NATIONAL MUNICIPAL REVIEW

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The National Municipal Review

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NEWS for League Members

Cincinnati Picked for Conference

The 1951 National Conference on Government will be held November 26, and 28 in Cincinnati, it was decided by the executive committee of National Municipal League at a meeting held March 7 in New York.

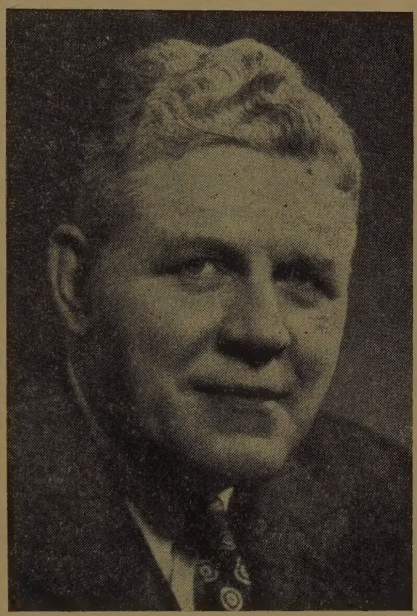
The conference, which has been held annually since the first meeting in Philadelphia in 1894, will be attended several hundred civic, business, educational and political leaders from parts of the country, in addition Cincinnati citizens to whom sessions the three-day "clinic" on civic affairs will be open.

The executive committee accepted invitation of a group of Cincinnati ic organizations which was tendered st November at the Buffalo conference by Mayor Albert D. Cash of Cinnati, who also is a member of the ague's Council.

The invitation was seconded by representatives of civic groups from other ajor Ohio cities who felt that the conrence would help focus attention on e 1952 vote in Ohio on the calling a constitutional convention.

The League, which issues the *Model ate Constitution* among its many odel laws and administrative systems, ll include speakers and panel dissions on modernizing state governent in its conference program.

Among other subjects that will be alt with will be the working of the uncil-manager plan in large and all cities, county government, nonrtisan citizen organizations in action, etropolitan area problems, civic education and such current problems as the fiscal and civil defense needs of cities and the corrupting influence of organized crime and rackets.



MAYOR ALBERT D. CASH
His invitation accepted

This will be the third time in the League's 57 years that the National Conference on Government will be called to Cincinnati, previous meetings having been held in that city in 1909 and 1928.

At the executive committee meeting Richard S. Childs, chairman, presided. Also present were Henry Bruère, president; Charles Edison, chairman of the Council; Frederick L. Bird, William Collins, John S. Linen, George S. Van Schaick and Alfred Willoughby.

Editor Crusades to Set Cities Free

A Busy Hobby

Editor of the REVIEW's "City, State and Nation" department since 1933, Harold M. Olmsted is equally at home hiking over mountain trails (his favorite relaxation) or plowing through mountains of public affairs news to distill the six or eight pages of material that is especially significant.

Editing this department is a hobby, too, for Olmsted is one of the many experts who volunteer their services to the National Municipal League and the REVIEW.

Educated in electrical engineering at the Case School of Applied Science (now Case Institute of Technology), Cleveland, he worked as an engineer and served in World War I before studying municipal administration under Charles A. Beard at the New York Bureau of Municipal Research.

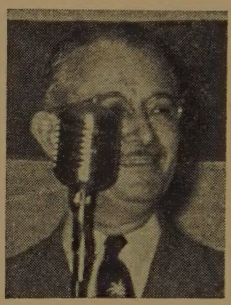
He interrupted his career as a public utility consultant to serve from 1927 to 1933 as associate editor of *The American City*.

Since 1940 he has been valuation engineer and hearing examiner for the New York Public Service Commission.

In addition to his year-around work for the REVIEW, Mr. Olmsted is contributing editor on public utilities for *The American Year Book*.

For a generation or more, efforts get a bill through the Illinois legis ture to permit cities to adopt the cou cil-manager plan have been thwart by the politicians.

Last summer, William B. Ham



publisher of *T Daily Journ Gazette* in M toon, a city 18,000 in t west-central p of the state, good and mad.

"Why can't linois cities ov 5,000 have an ficient form government?" he began asking editori ly. "Why must we sit by while 1,0 communities in other states hand public business in a businesslike way

Publisher Hamel obtained a sm library of literature and facts from t National Municipal League. He se proofs of his editorials to fellow-e tors in other parts of the state. Th liked them and republished them.

Came the inevitable invitations speak—to Rotary, Kiwanis, you men's clubs, chambers of commer even the mighty Union League Cl of Chicago. He took them, and prese ly he was conducting a one-man c sade the like of which the state h not seen in many a day.

Six months and 30 or more speec es later people around Illinois are s ing that, for the first time in 30 ye or more, the usual bill setting cit free to choose their own form of g ernment has some chance of passi If it gets through, one newspaper m who got good and mad will deserve great deal of the credit.

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Editorial Comment

Escape to the Suburbs

PEOPLE tend to think of criminals and racketeers as strictly big city guys. It comes as a shock, therefore, to read how gamblers and racketeers have been making themselves at home in the neat little boroughs from which Bergen County, New Jersey, sends thousands of sober commuters to Wall Street, Rockefeller Center and adjacent areas.

Prodded by investigations of the Kefauver committee and by complaints from New York prosecutors, New Jersey authorities have been discovering that you can't always tell the difference between the home of a respectable banker, the residence of a world famous racketeer and a conservative family residence doubling as a horse parlor.

The state's attorney general felt it necessary to supersede the Bergen County prosecutor with a special deputy attorney general whose activities have brought consternation to county and municipal political leaders and officials, including no one knows how many local police officers. It seems that not only have gentlemen with business on the shady side of the law in the big city favored Bergen County as a place of residence; they have also followed the example of other businessmen in decentralizing some of their operations. One interesting method has produced the "telephone sitter," a character at the end of a wire in an inconspicuous private home who serves as an agent of communication in the gambling racket. The sitter or his employer pays handsome rent for the privilege. The placing of th phones is said to have become regular part of the patronage o certain local politicians and a sourc of substantial pin money for co operative agents of the law.

Why has Bergen County beer favored for this business? First, i is across the state line, yet it ha easier access to the center of New York by bridge, tunnel and ferry than some of the more remote part of the city itself. More significant however, is the political map of the county. In an area less than two-thirds the size of the city of New York, there are 70 separate municipalities, averaging three and a third square miles and about 7,500 population. Half the municipalities have less than 5,000 population. Law enforcement is divided among 71 governments, counting the county with its prosecutor and a rudimentary county police department. Every other function of local government is similarly divided, as is the people's job of riding herd on the whole business.

It is no wonder that local government in most parts of the county is left pretty strictly to the politically industrious and interested few who willingly excuse the commuter-citizen from painful participation in local affairs just as long as he votes "the ticket," a habit that has become pretty well ingrained.

This is not to suggest that most Bergen County politicians are corrupt. They are not. But neither are they so different from other specialists in the art of winning votes and

minding other people's business that they lightly commit the folly of biting any hand that offers the organization something more tangible than a friendly shake.

The moral is that the citizen cannot escape the results of non-participation whether he is in the big city or in an elm shaded byway in suburbia. Cutting government up into little bits in a compact area like Bergen County actually makes it tougher for the willing citizen to get at the vital problems of local government. For one thing, his natural civic partners, like the folks he draws in for an evening of bridge, are as likely as not to live in the next town, just over a line that hasn't made sense since the farmers who once owned the fields between two infant crossroad centers sold out to the developers a generation ago. Police, health, zoning and other municipal problems have no more respect for these old lines than the real estate promoters themselves. Moreover, no community of 7,500 people can afford what it takes to provide these and other modern local services adequate to the needs of a thickly settled area like Bergen County.

There is an obvious lesson in the indictment of a $3,000 chief of police, after 22 years in office in a town of 3,000 population, for conspiring to place two "telephone sitters."

No wonder the typical commuter at home concentrates on his garden and his family and tries not to notice some of the strange bedfellows who turn up in suburban politics.

How to Tell a Lobbyist

(Reprinted from Salem (Oregon) *Statesman.*)

A LOBBYIST told all about lobbyists during a Senate hearing . . . on a bill which would require lobbyists to register with the secretary of state and report how much they spend on legislators.

Roy Meyers, Portland General Electric company lobbyist for 38 years, told the Senate elections committee the law isn't necessary because everybody knows who the lobbyists are anyhow.

Just to help the committee to identify lobbyists Meyers, the dean of Oregon lobbyists, listed the following five types:

The regular lobbyist who works all the time for the company he lobbies for,

The "Available Jones" type—those who are for hire to lobby for any bill or cause for a price,

The "two-way stretch" lobbyists—those who get a bill passed in one house and killed in the other, getting pay for both,

The "buzzard" type — hangeroners who can always deliver a block of votes for a price.

City Rescues Blighted Areas

Homes rise on tax delinquent lots restored to rolls by simple method proposed by the National Municipal League.

By JOHN N. DUMAS*

IN SCHENECTADY, New York, new homes, apartments and small commercial enterprises are sprouting on land that until a year or two ago was a smothering burden of tax delinquency. Using New York's *in rem* law, permitting speedy tax lien foreclosure action against properties more than four years delinquent, the city has begun to turn a debit into a credit, pointing the way for hundreds of other communities harried by the problem of blighted and undeveloped land.

The city resolved to use the *in rem* method early in 1949. Under the law it had to complete the proceeding within one year. Accordingly, by early in 1950 the city had taken title to some four thousand properties—mostly vacant and outmoded 25- or 40-foot lots. Scores of other properties had been redeemed by owners who paid back taxes, interest and penalties. But the real accomplishment was still to come.

Today, Schenectady is collecting taxes on 2,800 of those properties and every city council meeting brings new sales, for it is not enough to acquire the land; it must be put in the hands of new taxpayers as fast as possible. Approximately two hundred dwelling units are completed or under construction on the once blighted land, as well as several small commercial enterprises.

*Mr. Dumas is city hall reporter and political writer for the Schenectady *Gazette*.

To comprehend the scope of the accomplishment, let's take a look at conditions back in 1947 through the eyes of Harland Bartholomew and Associates, which at that time was completing a two-year contract to draft the city plan. It is a story with a familiar ring to those interested in municipal problems.

More than 22 per cent of the city's total land area lay idle and vacant. Of the 1,471 acres going to waste, at least 35 per cent constituted land on which taxes had not been paid for as long as twenty years. County taxes on the delinquent parcels still had to be paid—a $10,000 burden shared by other city taxpayers.

About 90 per cent of the vacant land, Bartholomew found, was suitable for building purposes. But while homes were going up by leaps and bounds in the suburbs few were being built in the city. With all its idle building land there was little or none that could be developed.

Large areas were poorly drained, without sewer and water facilities; lots had been subdivided in the horse and buggy days and were too small to meet modern requirements; most were in the hands of individual owners or the estates of former owners and had long since been abandoned as worthless. Tracing the rightful owners or heirs, many of whom had moved away, would have been a tremendous task under ordinary foreclosure proceedings.

The *in rem* law had been on the state statute books for some years, offering a quick and easy method of wholesale foreclosure through the medium of successive newspaper advertisements. But Schenectady, like many other municipalities, was afraid to use it. Officials were doubtful of the validity of titles obtained under the law. Test cases were still in the courts.

At the time that Bartholomew was unfolding to the city the crushing expense of tax delinquency and consequent blight, there seemed to be no ready answer to the problem. He found, for example, that the city was spending $43.16 per inhabitant each year to supply municipal services but, in the blighted, undeveloped areas, the return in taxes was as little as $19 per inhabitant. Taxes from healthy, well developed areas were subsidizing the balance.

In March 1947, Bartholomew summed up his findings with a challenge to the city fathers, but it was directed as well to three-fourths of the municipalities in the nation:

"Blight is a degenerative malady challenging the health and economic stability of most urban communities. Its malignant nature tends to affect an ever-expanding area and to accelerate the disintegration of entire neighborhoods.

"The cure for this situation lies in the establishment of adequate controls over growth in the outlying areas, together with the replanning and redevelopment of the obsolete areas in the central city.

"Unless American communities are able to mobilize their resources and skills to accomplish these results, they face a continuing spiral of increasing costs and decreasing revenues, which inevitably will lead to financial chaos."

In Rem Constitutional

Not long after this sharply worded advice was given Schenectady, one of the test cases that had been worrying municipal law officers reached the United States Supreme Court. Reversing a decision by the State Court of Appeals, the nation's highest tribunal declared New York's *in rem* law to be constitutional. It was a triumph for the National Municipal League, which proposed the *in rem* proceedings in 1935 through its Committee on a Model Fiscal Program, and for Arnold Frye, chairman of that committee, who was instrumental in helping to bring about adoption of the measure.

Early in 1948 the state legislature amended the *in rem* law to simplify some of the required procedures and Schenectady began making ready to use this formidable weapon to meet the Bartholomew challenge.

At least half the four thousand tax delinquent parcels were located in one outlying ward that constituted an impressive example of poor urban planning, reminiscent of the days when real estate speculators operated in a carnival-like atmosphere, offering two lots for the price of one to the innocent.

This ward, the city decided, would be Target No. 1. Once the parcels involved were listed by the law department in preparation for foreclosure, the city planning commission's staff went to work on a proposed resubdivision of those

areas almost solidly tax-delinquent. The rest of the parcels, scattered throughout the other thirteen wards of the city, would be acquired in a separate foreclosure action within the same year. The first list of properties was filed in the county clerk's office in February 1949, the second was processed later in the year and by February 1950 the city was clear of tax delinquencies more than four years outstanding. It had been done without increasing the staff of the law department and despite a political upset which resulted in a change of administration on January 1, 1950.

Disposal of Lots

At once the city faced a new problem: How to get the four thousand parcels out of its hands as fast as possible by selling them to persons who would pay taxes and, more important, build homes or businesses.

It was decided that selling price was relatively unimportant compared to the tax benefits of new construction, that sales to real estate operators who planned to turn them over at a nice profit must be avoided and that certain large areas must be sold to one development corporation which would replan them to provide modern lots and attractive street layouts and which would reclaim swampy areas that otherwise would never be developed. Public auctions would have been the safest procedure, politically speaking, but that method would not permit accomplishment of the objectives.

The city's first move was a bold one. Thirty-one-year-old Christian X. Kouray, an attorney who was appointed city manager by the new administration, began quietly to interview developers. In March 1950 he recommended the sale of about a thousand lots within Target No. 1 for $5,000 to K&K Development Inc. The firm promised to build up to four hundred homes or as many as could be marketed; it would fill in the swampiest area of all and start building there as evidence of good faith. But K&K could be only morally bound; legal guarantees would cloud titles and hamper financing. To make matters worse in the eyes of the public, which could not see the reason for selling lots at five dollars apiece, K&K was a brand new corporation formed by a non-resident for the sole purpose of developing the land. No local developer would undertake the project.

Sensing that any delay would mean acting under a storm of protest, the city council accepted a planning commission recommendation and Kouray's pledge that he would "stake his job" on the project. The five Democrats and two Republicans voted unanimously in favor of it.

Then the storm broke. The local Real Estate Board and Builders' Association appointed committees to investigate; Kouray's resignation was demanded on grounds of fraud by a city councilman who chose to recant and ride the tide of protest. The city council's public property committee, headed by Samuel S. Stratton, a friend of Kouray's, was instructed to hold hearings. Ultimately it found no evidence of fraud or bad faith; builder after builder testified the K&K proposal was a "good deal" if carried out. The real

trouble seemed to be that Kouray had not confided in enough people before springing the idea. Still, angry opponents cried "whitewash" when the hearings were over.

Many New Homes Constructed

K&K met the city planning commission's requirements, began building in late August, and by year's end had 85 homes completed or under construction. The new assessed value would amount to at least half a million dollars. Sewer and water mains were installed at K&K's expense, and soon paved streets, properly drained by storm sewers, will wend across what used to be one of the worst swamp areas in the city. What's more, construction is continuing and the land that is left is good natural building land.

Eight months later, in December, when a local realtor was permitted to buy more than nine hundred lots in an even more seriously blighted section of Target No. 1 for $1,000, there was no public outcry whatsoever. Most of the lots were in an area that Bartholomew had previously regarded as fit for nothing better than a municipal forest preserve. Construction of up to four hundred homes is scheduled to begin this spring.

In the eight-months interval, more than a hundred other individuals bought two or three lots apiece after signing contracts to erect at least the foundation of a building before receiving their deeds. They paid 40 per cent of assessed valuations. It was a procedure worked out by the council's public property committee to encourage new construction and safeguard against speculation.

In addition, some seven hundred parcels have been sold to adjoining property owners wanting to increase the size of their lawns, to former owners upon payment of back taxes, interest and penalties and to others not wanting to guarantee building.

Preference was given to adjoining owners, who were permitted to purchase non-buildable lots for 50 per cent of assessed valuation. Those not wanting to guarantee they would build had to pay 160 per cent of assessed valuations—almost as much as current market prices.

Cash income from sales of *in rem* property in 1950 amounted to $74,221, excluding money received for redemption of property before foreclosure or afterward in sales to former owners on payment of back taxes and interest.

Thus Schenectady has been able to restore to the tax rolls all but twelve hundred of the four thousand tax-delinquent properties acquired through *in rem*. In the short space of a year, new construction on the lands has equalled a million dollars in new assessed valuation. The new tax revenue from this source alone will run to more than $55,000.

But the greatest benefits are still to come. The ultimate goal is still unattained. Two new neighborhood communities are in prospect and debilitating residential blight is gradually disappearing. What it will mean in the future, both in terms of dollars and cents and esthetic value, can only be imagined.

A Blueprint for Minnesota

Little Hoover Commission, made up of private citizens, reports on how to achieve more efficiency and economy.

By LEROY F. HARLOW*

STATE government may be too big and too complex for private citizens to understand. Apparently the Minnesota legislature doesn't think so. Acknowledging greatly increased costs of government, insufficient time to study governmental operations thoroughly and citizen claims of waste and duplication, the 1949 legislature turned unanimously to private citizens and said, "Tell us, fully and impartially, what measures you think need to be taken to achieve efficiency and economy."

Two years later the Minnesota Efficiency in Government Commission came back with more than 250 specific recommendations. Of that number all but five were approved unanimously by the commission of citizens from every one of the state's congressional districts. Bankers, lawyers, farmers, businessmen, doctors, labor leaders, industrialists, educators, engineers, newspapermen —men and women—built a 175-page blueprint for more efficient and economical state service to the people of Minnesota. There were no legislators or state officials on the commission or its committees. The legislature excluded them, by law.

Private citizens, virtually alone, did the job. The nineteen-member commission—nine appointed by the Senate, nine by the House of Representatives and one by the governor—divided itself into twelve committees and invited other private citizens to serve on the committees with commission members. Of those invited—with a warning there would be work to do—80 per cent accepted. Ultimately, more than 130 persons manned the committees.

All state agencies dealing with a particular function were assigned to individual committees. For instance, to the agriculture committee were assigned ten state agencies which promote, regulate and inspect agricultural pursuits in Minnesota. The social security committee undertook the study of sixteen agencies concerned with welfare activities. Twenty state agencies which have top management responsibilities—e.g. the governor's office, state auditor, Department of Administration, State Board of Investment, etc.—were assigned to the general administration committee.

With one exception the chairman of each committee was a commission member. The vice chairmen of all committees were members of the commission. Thus, the commission never lacked intimate knowledge of committee procedures, progress and thinking. When committee reports came to the full commission they were presented, explained, and de-

*Mr. Harlow is director of the Minnesota Efficiency in Government Commission. He was formerly city manager of Fargo, North Dakota, Albert Lea, Minnesota, and Sweet Home, Oregon, and has served as staff member of Public Administration Service and the U. S. Bureau of the Budget.

fended where necessary, by members of the commission itself.

Staff available to the commission and its twelve committees consisted of the director and his secretary. Limited but valuable use was made of three nationally known professional management consultants[1] by four of the twelve committees.

Citizens Make Study

The bulk of the work was done by Minnesota's own talent. Liberal use was made of the generously given and outstanding services of the Minnesota Institute of Governmental Research, the state's Legislative Research Committee and the Minnesota Society of Certified Public Accountants. The last seven months of work on the final report saw an average of six citizens devoting a full day of free service on seventeen days out of each month. The total direct cost to the state for the entire study, including publication of the report, was $52,000. The commission turned back $5,000 of its appropriation into the state treasury.

The 130 citizens enunciated what they described as "guiding principles of democratic government and efficient administration." Then, carefully and painstakingly, they analyzed the structure and workings of the state's more than one hundred executive agencies. They concerned themselves with the legislative branch, too, and with the judicial branch and local governments incidentally. The guiding principles enunciated and adhered to were these:

1. The legislative and executive branches of government must be strong and they must remain equal.

2. The executive branch must attain efficiency and economy yet remain responsive to the people and their elected representatives.

3. The organization of the government should be kept as simple and understandable as possible, to provide a workable span of control and unity of command.

4. Departments should be organized according to major functions to eliminate overlapping and duplication.

5. Administrative authority, as well as responsibility, should be centered in the chief executive of the state.

6. Principal departments should be directed by a single administrative official directly responsible to the governor.

7. Terms of office for the governor and department heads should coincide and be for a four-year period.

8. Management services of government should be combined in a single administrative department, to aid the governor directly in managing the state's business.

9. With certain important and justifiable exceptions, boards and commissions should be used only to perform advisory, quasi-legislative and quasi-judicial functions.

10. The appointment, advancement and retention of state personnel should be based solely on fitness and merit under a statutory civil service system.

11. The legislature should exercise its important control function

[1]Griffenhagen and Associates, J. L. Jacobs and Company and Public Administration Service, all of Chicago.

by providing for regular, independent audits of the governor's management of state affairs.

Three basic research tools were used by the commission:

1. Thousands of pages of detailed information supplied by state agencies in ready compliance with specifications prepared by the commission. With the predominant use of organization charts, each agency showed:

(a) How it is organized, who reports to whom, what are the legal authorizations for its existence;

(b) What it does—the number, scope and nature of functions and activities;

(c) Financial requirements and resources;

(d) Developments and changes in the administration of state business in the past ten years;

(e) Administrative methods used; and

(f) Suggestions for improvements in organization, procedures and policies.

2. The *Handbook for the Study of State Government Administration,* prepared and distributed to the nineteen commission members and the 112 committee members. It attempted to provide:

(a) Brief statements of generally accepted "principles" of public administration and of standard practices recognized by authorities in public administration;

(b) A check list of practical suggestions, in question form, aimed to promote increased efficiency and economy in state government operations; and

(c) A list of 60 definitions of terms commonly used in public administration with which private citizens might not be familiar.[2]

3. Hearings conducted by citizen committees at which state officials, individual citizens, organized groups and experts in particular fields testified, as well as on-the-site studies and investigations within the agencies and their institutions.

Out of the months of study came recommendations which, if adopted, will have far-reaching effects throughout the state for years to come. Less than a dozen will require changes in the state constitution. Most require legislative enactment. Many can be made effective immediately by executive action.

Key Recommendations

The commission expressed itself as "loath to suggest further improvements in the executive branch without pointing out the need for strengthening the legislative branch." It declared that "our form of government cannot live unless the three branches of government remain strong and substantially equal in power."

Although primarily concerned with improvements in the executive branch, the commission calls for establishment of a department of legislative services on a permanent year-round basis to do research, draft bills, staff committees and handle the thousands of details which now

[2]The National Municipal League, International City Managers' Association and several publishers generously granted permission to use material from their publications for compilation of the *Handbook*.

prevent the people's representatives from devoting adequate time to the major problems of the state.

Private citizens were quick to note that in Minnesota the governor figuratively audits his own books, contrary to sound business principles. The governor appoints the heads of executive departments. He appoints also the public examiner, one of whose duties is to audit the accounts of the executive departments. The elective state auditor is primarily the chief accountant and "pre-auditor." The legislature, which appropriates the money for operation of the executive departments, has no means of checking on the executive expenditures independently. The commission recommends a department of post-auditor "to place control of expenditures of state funds with the legislature, where it fundamentally belongs."

Governor's Office

It was the view of the commission that "reorganization and consolidation do not center responsibility and commensurate authority in the governor. They merely arrange the government so it can be effectively managed." The governor's office needs improvement based on recognition of the three facets of the governor's job—serving as ceremonial head of a sovereign state, acting as head of a political party and being general manager of the largest business in the state.

The commission would staff the governor's office with four key people —an executive secretary to handle administrative details of the office and advise the governor on appointments to public office, a secretary trained in general research, a public relations secretary to handle press and radio relationships and a legal counsel to specialize in proposed and pending legislation, handle clemency, extradition and other legal matters, and serve as secretary to the Board of Pardons. A principal job of the counsel would be to serve as liaison between the governor and the legislature on legislative matters.

A decade ago Minnesota received national recognition as the first state to appoint a "state business manager," heading the Department of Administration. This office has proved effective in its management of the allotment control system, preparation of the biennial budget, control of purchasing and building construction, renting and leasing of land and property, providing a central storeroom and service unit and performance of other central management services common to most successful private businesses.

The 1939 business manager law had two major weaknesses and some minor ones, in the judgment of the commission. One major weakness was the failure to place the accounting system in the Department of Administration. This major tool of fiscal management was left with the elective state auditor. The other was the use, contrary to modern business practice, of a separate elective state treasurer to handle payments and serve as the custodian of funds. The commission recommends the transfer of most of the functions of these two constitutional offices to the Department of Administration and the abolition of the offices.

The ballot would be shortened to two elective offices, the governor and lieutenant governor. In addition to the assignment of the duties of the auditor and treasurer to the Department of Administration, the functions of the secretary of state would be transferred, principally to the Department of Highways and Department of Revenue. The attorney general would be appointed by the governor and would head the Department of Law, including several law enforcement units. The elective three-member Railroad and Warehouse Commission would be abolished and its duties distributed among a number of departments.

The tools of executive management alone are not enough. The sprawling collection of more than a hundred executive agencies needs reduction to a manageable number. The 35 major departments and 70 minor agencies would be consolidated into sixteen major executive departments and a few minor offices.

Other Recommendations

Civil service, which has been a notable success in Minnesota, would be extended to all positions below the department head level except in the governor's office. This move, in the commission's judgment, should be accompanied by a considerable opening of the civil service back door and the ending of absolute preference for veterans.

Decisions by department heads would be tempered by the compulsory use of advisory boards, and quasi-judicial determinations would be made by independent boards.

Duplication of inspectional services and the weaknesses of administrative boards were given close attention by the commission. Consolidation of such services and the placing of departments under single administrative heads were generally recommended.

Perhaps the two most nearly unique recommendations have to do with the examining and licensing of professions and trades and the position of the education function within the governmental structure. It is recommended that a "state licensing authority" of laymen be created, to have powers of review over the actions of the licensing boards. This administrative device is intended to "utilize the capacities of the professions and trades in order to assure the quality, identity and integrity of those professions and trades and preserve the right of the public to judge the acts which affect its members individually and as a whole."

The education function, if the commission's recommendations are adopted, would be divided, in effect, between two boards of regents. One would be in charge of the university as at present provided by the constitution; the other would control primary and secondary schools and the teachers colleges. Both boards would be appointed by the legislature in joint session. A legislative advisory commission for higher education, composed of the president of the university, commissioner of education, two laymen and a professional educator of high standing serving as a full-time executive officer, would assist the legislature in

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Boston's Mid-century Revolt

Administrative study, ousting of Boss Curley, adoption of new charter combine to give promise of better things.

By LASHLEY G. HARVEY*

BOSTON is looking up, with its new mayor, a new charter and a blueprint for administrative management. Prospects for better government in Boston have never been more promising.

When the National Municipal League held its meeting in Boston in November 1948, feeling for improvement of the city's government was at a low ebb. A year earlier James Michael Curley had returned from federal prison to resume the office of mayor and had turned back the clock on every improvement made by the interim government in his absence.

The forces that might have prevented a restoration of Curleyism were divided and confused, disputing among themselves over proposals for a new charter. One group stood uncompromisingly for the council-manager plan with proportional representation for election of the council and school committee (Plan E), another for a revised strong mayor type (Plan A) and a third but inarticulate group wanted a manager without proportional representation (Plan D). The Republican governor and legislature could have prevented Mayor Curley's return but felt it might serve as a blessing in disguise. A citizenry sickened by the mayor's mismanagement might turn to the Republicans for help in the November elections.

It was into this atmosphere of defeat that the National Municipal League moved up with reenforcements. The Boston Municipal Research Bureau and the Chamber of Commerce had fought a rearguard action for months against disunity and despair. With the national spotlight of publicity focused upon Boston and its problems, Dr. Thomas H. Reed blasted away at the city's political irresponsibility and chided the proud descendants of Boston's Revolutionary leaders for allowing democracy to go by default, pointing an accusing finger at smug complacency and indecision.[1]

With renewed spirit the people of Boston swung into action. In the spring of 1948 the legislature, upon insistence of the governor, had made it possible for Boston voters to change their form of government. Although the Plan E group lost its battle for a manager with proportional representation because of a legal technicality,[2] when the people were given an opportunity to vote on a new and revised strong mayor plan, they brushed aside the old charter and with the same broom swept out

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[1]See "A Famous Patriot Returns," by Thomas H. Reed, the REVIEW, January 1949, page 11.

[2]See "Boston Officials Block Manager-P. R. Plan," The REVIEW, March 1949, page 133.

the Curley administration, electing as mayor the former city clerk, John B. Hynes, who had demonstrated his ability as acting mayor when Mr. Curley was in prison.

Adoption of Plan A will not usher in the millennium, but it will be an improvement over the old charter of 1909. It provides for a council of nine elected at large instead of 22 elected by wards. This new council may override the mayor's veto except on loans and expenditures. While the plan is called a strong mayor system, the council actually occupies a slightly stronger position than it did under the old setup. Its members will receive salaries of $5,000 instead of $3,000 per year for a term of two years. The mayor remains head of administration and retains his four-year term.

A significant break with the old charter is the requirement for a primary election a month prior to the regular election in order to narrow the field of candidates for the council, school committee and mayor to two for each position. It will be necessary for a mayor to receive a majority vote to win an election. Many times in the past a Boston mayor has been elected by a minority vote because of the large number of candidates.

It is hoped that minority rule will be ended by institution of the direct primary. Plan A provides for a five-man school committee as previously, with no change in its position or power except reduction of the term of its members from four to two years. The schools remain outside the city government.

The voters go to the polls in October of this year to choose their new officers under Plan A which goes into operation in January 1952.

While the citizen groups were debating charter changes, Robert E. Cunniff, the indefatigable executive secretary of the Boston Finance Commission—a state research and advisory agency—sharpened his pencil for new attacks upon the Curley administration. This was no new fight for him. Again and again he had called the public's attention to existing irregularities. Under the 1909 charter new departments and agencies sprang into being, many as the result of legislative act. Over-expanded, top-heavy government became unworkable under the personalized administration of Mayor Curley. Political favoritism, irregularity in appointments and contracts, and undercover deals twisted a once heralded charter beyond recognition.

The Blueprint

Cunniff, a thorough student of municipal administration, saw not so much the weakness of the present charter but the way in which administration had been allowed to grow uncontrolled. Realizing that developments were getting out of hand, he had gone to Mayor Frederick W. Mansfield back in the early 30s to ask that two surveys be conducted, one of the city's administration and the other of the schools. Ten years passed before any action was forthcoming. In 1943, during Governor Leverett Saltonstall's administration, the school survey (Strayer survey) was conducted, although most of its recommendations remain to be placed in operation.

In December 1947 the legislature was petitioned to authorize a comprehensive survey of the city's administration. The Boston Chamber of Commerce and the Municipal Research Bureau went into action. Governor Robert F. Bradford was easily convinced of the need but to persuade the legislature was a much more difficult task. Much credit is due E. J. Brehaut, manager of the Civic Department of the chamber, and Richard A. Atkins, then secretary of the research bureau, for winning the necessary support. By special act April 8, 1948, (Chapter 261) the legislature authorized the survey and requested the city to provide $150,000 to cover costs. It went even further by placing responsibility for conducting the survey upon the Finance Commission.

Approach to Survey

The commission stated its approach to this assignment in a report to the governor on May 4, 1949:[3]

"After due consideration, the commission elected to aim at the production of a 'blueprint' of good administration." As a matter of policy, the commission decided not to be restricted in making the survey by present statutes, ordinances or directives and urged the elected administrators to adopt the recommendations by administrative action wherever possible and then to turn to the legislature for assistance on those recommendations requiring statutory changes.

The survey was not to be conducted solely as a retrenchment device at the expense of municipal services. It was rather "an attempt to secure now and for the future an organization of municipal functions which will provide a high quality of community service at minimum cost." It was recognized at the outset that savings might be accomplished in some departments but that in others it might be necessary to increase expenditures temporarily in order to initiate changes which would result in future savings.

Care was taken throughout to assure municipal officials that the survey was not an attempt to discredit them or to serve as a personal attack. There was no intention to conceal from the officials of the departments surveyed the direction each survey was taking or the facts considered. Frank discussion between surveyor and the surveyed was encouraged. As the work progressed and reports were forthcoming, each department head was supplied with a copy of the report and comments were solicited.

The Hoover Commission's pattern of task forces was not followed. Areas were established and certain consultants were employed to make reports to the Finance Commission. These were carefully analyzed. The areas were largely functional and the consultants were either well known authorities in the field or experienced research technicians. Of the 21 special studies thirteen were done by Griffenhagen and Associates, but the list includes such familiar names as Russell Forbes for purchasing, Bruce Smith for police, R. Clyde White for public

[3]Massachusetts House Document Number 2600 pages 3-4.

welfare, Cuthbert Reeves for assessing and Carl Buck for public health.

The findings of the specialists were summarized and the commission made its recommendations in a *Final Report of the Administrative Survey,* released by the commission February 1, 1950.

Report and Plan A

Boston's administrative structure was only partially corrected by adoption of the Plan A charter, since the governmental organization is to be found largely in statutes and not in the charter. Of the 34 separate departments or agencies in the executive branch, twenty were established by statute and the remaining fourteen by ordinance. Under the charter of 1909 the mayor heads the administration for which he is responsible. However, many executive functions are in fact performed by independent or semi-independent officials. The public schools are under the control of a school committee of five members; the police department is under a commissioner appointed by the governor. Similarly, the members of the licensing board and finance commission are appointed by the governor. The housing authority has a semi-independent status—the appointing power resides in the mayor, the city council and the Massachusetts State Board of Housing. There are several other agencies, headed by boards and commissioners, over which the mayor does not exercise complete control. These include the planning board and the board of zoning adjustment. Besides these there are twelve other agencies headed by a board or commission and therefore partially removed from the control of the mayor.

This confused administrative pattern is due largely to many years of special legislation for Boston. The Finance Commission recommends repeal of all existing laws dealing with the organization of the executive branch of the city's government to permit administrative reorganization without legal obstacles.

Realizing the practical difficulties which stand in the way of eliminating so many legislative restrictions at once, the commission proposes a simple interim plan which may be placed into operation quickly by either executive order or by ordinance. Although not complete, this plan does provide for a great deal of consolidation and for elimination of some duplication. With the assistance of the legislature, however, a second or final plan may be placed in operation.

Interim Plan: Certain departments would not be changed in the interim plan, viz., art, elections, housing, library, planning, police, zoning adjustment and the school committee, although hospital and public welfare departments, not completely controlled by the mayor, would be expanded. Four regular operating departments—health, public safety, public works, recreation and parks—would remain as at present directly under the mayor, and six staff departments—planning, assessing, engineering, finance, law and supply—would be directly responsible to the mayor.

Final Plan: These departments

are reduced in the final plan to six operating agencies—library, election, health and welfare, public safety, public works, recreation and parks —and four staff agencies—assessing, engineering, finance and law.

All departments would be headed by directors and divisions within departments would be headed by commissioners. Heads of departments would be appointed by the mayor but the commissioners would be career men. To prevent political interference at the lower level, the commissioners would be the appointing authority for divisions.

As a marked departure from the present pattern the final plan contains a number of other progressive features. The mayor would have an assistant or deputy who would serve as chief of staff and administrative assistant. He would be in direct contact with heads of departments on matters of general operation. A number of secretarial and public relations services, including certain duties of the registry department, the city messenger, clerk of committees, and responsibility for editing the *City Record* and the *Municipal Register* would be shifted to the city clerk's office.

A number of changes in public policy are proposed in the final plan: (1) removal of state control and restoration to the mayor of the police function; (2) transference of the cities of Chelsea and Revere and the town of Winthrop from Suffolk to Middlesex and/or Essex County; and (3) assumption by the state of responsibility for the operation and maintenance of all penal institutions.

The Finance Commission's survey was timed perfectly. At his inaugural in January of this year Mayor John B. Hynes promised to take full advantage of the findings and adopt as many recommendations as possible. He has created a committee of three city administrators to report to him on the possible adoption of recommendations. This so-called mayor's committee consists of Charles J. Fox, city auditor, John A. Sullivan, budget commissioner, and John De Meulenaer, division engineer, bridge and ferry division of the public works department. It has held conferences with all heads of departments.

Adoption of Recommendations

Practically 40 per cent of the recommendations have been put into effect and the interim plan is well on its way to operation. The mayor has referred to the council many of the recommendations which can be accepted only upon a change of ordinance. These are rapidly being adopted. As the council works away at reorganization the mayor is developing bills for the legislature which would accomplish ultimate reorganization of Boston's city government.

Since his election John B. Hynes has set about methodically to put his house in order. Departmental appointees of former Mayor Curley are being replaced by competent administrators; a thorough-going personnel classification and wage survey has been launched; steps are being taken to assure better budget and personnel supervision and over one hundred thousand dollars have been recovered for the city from

contractors as the result of irregularities in street construction and school building waterproofing contracts.

Mayor Hynes is well aware that much is still to be done to make Boston's city government effective if Boston is to become a truly desirable city for home owners and business. In his inaugural address he recognized that this could not be achieved by Boston alone, but would require concerted efforts of all cities and towns within the metropolitan area. He went so far as to advocate a metropolitan government which would make "possible the amalgamation of services which are metropolitan in nature."

The mid-century revolt in Boston, slow to get under way, promises hope for the future.

A BLUEPRINT FOR MINNESOTA

(Continued from page 194)

reviewing appropriation requests and work toward prevention of duplication of curricula, facilities and personnel.

Two members of the Efficiency in Government Commission served as public members of the Constitutional Commission of Minnesota which filed its report on constitutional revision in 1948. No studied effort was made to fit the Efficiency in Government Commission's recommendations to those of the Constitutional Commission or the *Model State Constitution* prepared by the National Municipal League. The recommendations are strikingly similar, however, in many important respects, e.g., an independent post-auditor appointed by the legislature, limiting the number of executive departments, voting for governor in odd-numbered years and for a four-year term, continuing the state business (administrative) manager position and many others.

The commission placed no price tag on its recommendations, but it feels "certain that the recommendations can result in an outright and immediate saving to the taxpayers of not less than $4,300,000 per year," excluding indeterminate items which could save many more millions of dollars.

Private citizens of Minnesota, assisted by the important state officials, made a determined and objective search for ways and means to serve the people of Minnesota more efficiently and economically. They did not alter their course because of constitutional or statutory barriers that stand in the way of needed improvements. They have provided the state and its people a blueprint for today—and tomorrow.

Revision by Commission

Device not as successful as constitutional convention but educates citizens to need of remodeling basic law.

By BENNETT M. RICH*

THE last decade has seen new life breathed into the constitutional commission. This device, which has been used off and on for a century, often represents an honest and sincere attempt to achieve constitutional reform. Occasionally, a commission has been created as a last gasp effort, all other measures having failed. Sometimes, however, the commission has served merely as a shield to protect elusive legislators from the pursuit of ardent constitutional reformers.

Regardless of the motivating factor, the number of constitutional commissions in recent years merits an examination of the commission's record as an instrument of reform. Does it, as a technique, merit the confidence to which it has recently fallen heir? Before attempting to answer this question, let us consider the kinds of constitutional commissions and some of the practical organizational and procedural problems incident to their operation.

Commissions may be classified under four headings. The first—the true commission—is a joint product of the legislative and executive branches. It is created through the operation of the normal law-making processes. At least 24 commissions of this type have been established.[1]

A second type is that authorized by the executive alone. In 1934 Governor C. D. Martin of Washington created an Advisory Constitutional Revision Commission of nine members. Governor Murray D. Wagoner of Michigan, in 1942, appointed a 32-member Constitutional Revision Study Commission. The most recent illustration of the executive type was the Constitution Review Commission established in 1949 by Governor Earle C. Clements of Kentucky.

Legislative action alone constitutes a third basis for the creation of a commission. The Legislative Constitutional Revision Committee of California, authorized by concurrent resolution in 1947, was of this species.

The fourth category is a miscellany, defying accurate classification. Connecticut, Louisiana and Oklahoma deserve mention although the technique each state employed is unique. The Connecticut Commis-

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[1]Statutes: California 1929, Chapter 420, p. 741; Georgia 1943, p. 1680; Maine 1875, Chapter 1, p. 3; Michigan 1873, p. 563; Minnesota 1947, Chapter 614, p. 1111; New Jersey 1852, p. 546; 1854, p. 544; 1873, p. 844; 1881, p. 187; 1894, p. 556; 1905, p. 185; 1941, p. 1084; New York 1872, Chapter 884, p. 2178; 1890, Chapter 189, p. 402; North Carolina 1913, p. 449; 1931, p. 796; Pennsylvania 1919, p. 388; Rhode Island 1897, p. 121; 1912, p. 475; Tennessee 1945, p. 703; South Carolina 1948, p. 2226; Vermont 1908, p. 571; Virginia 1926, p. 797; West Virginia 1929, p. 503.

sion on State Government Organization included the draft of a revised constitution in its report. In Louisiana a law passed in 1946 directed the Louisiana State Law Institute to prepare the draft of a constitution. The Oklahoma Senate in 1947 requested the Legislative Council to prepare a series of constitutional studies with recommendations for change. In addition, a number of the recent "Little Hoover Commissions" have made recommendations concerning some phase of constitutional revision. Investigating bodies in Arizona, Idaho and Minnesota, for example, have considered constitutional questions.

In this fourth category the work of the Hawaii Statehood Commission deserves mention. Prior to the recent constitutional convention, the commission arranged for the preparation of a series of reports by the Territorial Legislative Reference Bureau. The commission's efforts were designed to promote the convention, however, rather than to obtain a constitution by more direct methods.

Commission's Purpose

The principal purpose of these varying forms of commissions has been to prepare amendments rather than to plan for total revision. The first commission to prepare a complete draft constitution was that of Michigan in 1873. The commission interpreted the words "to revise" in their broadest sense.

Just as there are limited constitutional conventions, there are limited commissions. Four of New Jersey's seven commissions were limited to preparing amendments designed to improve the judicial system. The New York commission of 1890 was also limited to a consideration of the judicial article while the commission of 1872 was authorized to amend any article except the one pertaining to the judiciary.

Inexact wording has sometimes created uncertainty as to the major purpose of a commission. The New Jersey commission of 1941-42 gave a broad interpretation to a loosely worded law and prepared a complete draft constitution. The Georgia commission of 1943, seemingly limited to proposing amendments, presented the legislature with one amendment which embraced the entire constitution.

A few legislatures have conceded to the governor the privilege of unrestricted choice in the selection of commissioners. This practice is the exception and not the rule.

Perhaps the least burdensome legal restriction governing appointments was the admonition of the New Jersey legislature in 1852 to select three "discreet commissioners." The Michigan legislature of 1873 required the governor's appointees to be both "able and discreet." Senatorial confirmation is not uncommon. Other restrictions require appointment by congressional district, judicial district, geographical region and representation by interest group. Legislatures often force the governor to share the appointive power with the chief presiding officer in each house. Lawyers and judges are occasionally specified.

Administrative officials have been noticeably missing among commission rosters. The North Carolina

commission of 1913 included the lieutenant governor as an ex officio member. The state revenue commissioner was a member in 1931. Georgia, in 1943, included the attorney general. The commissioner of administration was a member of the recent Minnesota commission.

Public members are nearly always appointed by the governor. However, in New Jersey, in 1941, six members of a commission appointed by the governor and the legislature were authorized to elect a seventh. As a general rule party membership is not mentioned.

Commissions have ranged in size from three to 38 with seven and nine the most popular numbers. The median of the 24 true commissions studied was thirteen.

Size of Commissions

New Jersey leads in the number of commissions. The first of seven was created in 1852. New York, North Carolina and Rhode Island have had two each. California and Michigan have also had two although California's second was a legislative creation and Michigan's second was authorized by executive order.

Constitutional commissions have had tough sledding financially. Legislative reluctance to provide adequate funds has been almost universal. Definite sums have been specified in about one-third of the enabling acts, ranging from $3,000 for the Rhode Island commission of 1912 to $60,000 for the Pennsylvania commission of 1919.

Ordinarily, commission members receive a per diem and travel expenses. Occasionally commissions are restricted in the amounts they may receive by limitations on the time they are in session.

The need for technical assistance is now widely accepted. The Michigan commission of 1875 was the first authorized to employ aid, a clerk at three dollars per day, and a messenger and assistants at two dollars per day. The Minnesota commission of 1947 had a director of research, a secretary and four temporary employees. In addition, the university contributed the services of graduate research assistants who prepared over 30 special reports.

Few legal restrictions have been placed upon the organization and procedures of commissions. Usually the members have been free to select one of their number as chairman. The law creating the Tennessee Commission of 1945, however, instructed the governor to appoint a chairman representing the state at large since two members were to be appointed from each of three sections of the state.

Size has been a factor in the development of procedures. A large body is almost forced to form subcommittees. The twenty-member North Carolina commission of 1913 was broken down into fifteen subcommittees of three members each with a different person serving as chairman of each subcommittee and the president acting as an ex officio member of all. The 23-member Georgia commission of 1943 had seven subcommittees. Minnesota with 21 members had a steering committee of seven and eight study committees.

Time has been another factor af-

fecting procedures. The Maine commission of 1875 was approved January 12 and was required by law to submit its report on February 15. By way of contrast, the Tennessee commission of 1945 deliberated every three months until its report was ready. Customarily, commissions created at one session of the legislature are required to report at the next session.

Generally there is no restriction on the means by which a commission comes to a decision. An unusual feature of the act setting up the Michigan commission of 1873 was the requirement that any proposal must have the consent of two-thirds of the membership.

Citizen Activity

Public hearings have come to be an accepted practice in recent years. In 1943 the Georgia commission held extensive open hearings and brought in outside consultants as a means of stimulating public interest. The Minnesota commission of 1947 was authorized not only to hold public hearings but to issue subpoenas. The California legislative revision committee of 1947 was granted all the rights and powers conferred upon investigating committees.

A second development, designed to obtain public support, is the use of citizen committees working directly with the members of the commission. The Minnesota enabling act authorized the appointment of committees of citizens of the state so long as there was "at least one member of the commission on each committee." In actual practice, at least three members of the commission served on the five- to eight-member committees. In Oklahoma a Constitutional Survey Committee organized by the Legislative Council consisted of 117 citizens and 27 legislators. The Constitution Review Commission of Kentucky established subcommittees whose members were outside the commission. Several hundred prominent citizens were asked to serve in an advisory capacity to the Legislative Constitutional Revision Committee of California.

The Minnesota commission, perhaps more than any other, recognized the value of keeping the public informed. An extensive public relations program was developed. A committee on public information was organized, a speakers' forum was created, special articles on particular problems were prepared for the newspapers and transcriptions of panel discussions were broadcast.

Few commissions have enjoyed immediate success. One or more amendments were added to the constitutions of Maine, New Jersey, New York, Virginia, Vermont and West Virginia subsequent to the report of a commission. Perhaps the greatest single success was adoption of an entire constitution by Georgia in 1945.

Although the number of immediately successful commissions is amazingly small, their over-all record is somewhat more satisfactory. The influence of the work of a commission may be of a long term nature. The proposals of the New York commission of 1890, for example, were ignored by the legislature but were used by the constitutional convention of 1894. New Jersey's com-

mission of 1941-42 was of great assistance to the revision movement culminating in adoption of a new constitution in 1947.

By counting those commissions which have enjoyed some degree of success, whether of a direct or of an indirect character, the number falls short of half of the two dozen true constitutional commissions. If the other categories of commissions are included, the success ratio is even lower. In view of this record, why does the commission continue to be so much used?

Why a Commission?

There are practical reasons which may dictate the creation of a commission. The desired changes may be technical in nature. For example, certain of the New Jersey commissions and the New York Commission of 1890 were concerned exclusively with judicial reform. Or it may be that constitutional restrictions surrounding the calling of a convention may make the commission appear to be the only feasible solution. In Minnesota constitutional revision by the convention method would take about six years. The commission approach seemed to offer a more immediate reward. The Kentucky experience illustrates a third practical reason for the use of a commission. Efforts to call a convention failed. The Constitution Review Commission served to keep alive the revision issue.

Notwithstanding individual cases where there exist special grounds for a commission, there are three basic reasons for the commission's continued use. The commission appeals to revisionists because of the apparent ease with which constitutional change may be effected. Secondly, the commission is inexpensive. Lastly, legislators are more receptive to a commission than to a convention since every proposal of the commission is subject to legislative veto.

Revision by commission seems so easy. In the past a few prominent individuals met a few times, conducted a few hearings and proposed a few changes to the constitution. The fact that few amendments were ultimately adopted seems largely to have been overlooked.

The element of economy as a factor in the use of the commission is self-evident. Governor Byrd claimed that the Virginia revision resulting from the commission of 1926 cost $25,000 whereas a convention would have cost $500,000. Governor Arnall emphasized the low cost, under $11,000, as an advantage of the Georgia commission of 1943. These sums are attractive when compared with New Jersey's $265,000 for a convention and New York's $1,100,000. The fact that most commissions fail whereas most conventions succeed has not been taken sufficiently into account.

The third basic element in the continued use of the commission is the factor of control. No proposal of a commission can get to the people without the approval of the legislature. Legislators normally are fearful of conventions since, in most states, the convention's work is submitted directly to a referendum. Not so the work of a commission; its proposals are always subject to legislative modification. Thus the crea-

tion of a commission has a dual result. The cry for action by the revisionist is met, at least temporarily. At the same time, any proposal endangering the legislative *status quo* may be sent to a committee for appropriate burial.

Legislature Controls

The fact that no proposal can possibly get to the people unless it is acceptable to the legislature may have an important bearing upon the work of the commission. The attitude of the commission may become not "what is in the best interests of the state" but "what proposals will the legislature accept." The record of the New Jersey commission of 1941-42 illustrates this approach. Certain subjects were considered with great thoroughness. Other basic issues were not touched. The commission recognized the futility of suggesting reforms which the legislature would refuse to consider.[2]

In the past, the commission's greatest virtue has been as an educational device. Through preparatory studies, hearings and reports, the commission has served to inform the people of the need for amendment or revision, to develop a greater public understanding of constitutional issues and to furnish suggestions which were of use later as a basis for revision.[3] Were it not for these valuable educational services, the record of the commission in recent years would merit a harsh judgment. Persons seriously interested in thorough-going revision will do well to avoid the commission unless they have no alternative or unless they use it simply to prepare the ground for a constitutional convention.

[2]See "Convention or Commission," the REVIEW, March 1948, page 133.

[3]Earlier reports of state constitutional commissions were often buried in legislative documents or state manuals. Recent separately published reports include: *Report of the (Kentucky) Constitution Review Commission,* 1950; *Report of the Michigan Constitutional Review Study Commission,* 1942; *Report of the Constitutional Commission of Minnesota,* 1948; *Commission on Revision of the New Jersey Constitution,* 1942; *Report of the Advisory Constitutional Revision Commission of the State of Washington,* 1935.

News in Review

City, State and Nation . . . . *Edited by H. M. Olmsted*

State Reorganization Plans Show Progress

Commission Reports Point to Governmental Action

STUDIES of state governmental reorganization have been under way in more than half the states for the last year or more. Some have been completed and have run the gamut of legislative consideration, including the reasonably successful New Hampshire plan for revamping the executive branch[1] and the notable but bitterly contested proposals of the Connecticut Commission on State Government Organization.[2] Many others are in various stages of completion.

At page 190 of this issue of the REVIEW appears a rather extensive account of the Minnesota recommendations. Brief comments on the work of several commissions or other agencies follow:

Arizona

The Special Legislative Committee on State Operations rendered a report on general state organization to a special session of the nineteenth Arizona legislature late in 1950. The report of the committee and that of its consultants, Griffenhagen and Associates, are contained in a 260-page printed volume. The special session approved various recommendations including creation of the office of post-auditor, annual legislative sessions and four-year terms for state and county officials. The proposals for annual sessions and four-year terms were embodied in proposed constitutional amendments and submitted to popular referendum on September 12, 1950. Annual sessions were approved by the voters, but not four-year terms.

The committee proposed a reduction of the number of elective state officers, eliminating from popular election the secretary of state, auditor, treasurer, superintendent of public instruction and mine inspector; but the legislature did not concur. Other chief recommendations of the committee were the creation of a legislative bureau, a department of finance and a department of health, welfare and correction. Many other recommendations were proposed by the committee for further legislative action. It urged the making of a comprehensive survey of the tax structure and stated that it was investigating old age assistance and contemplating studies of county government and future state highway construction programs.

Delaware

The executive committee of the Commission on Reorganization of the State Government rendered a 70-page multigraphed report, including charts and appendices, to the full commission in December 1950. It was assisted by Griffenhagen and Associates. It points out the usual dispersion of administrative responsibility; even in as small a state as Delaware there are 97 separate, permanent and in many instances quite independent agencies in the executive branch, including five elected officials, numerous boards, etc. The committee proposes 24 basic agencies, within which would be incorporated 23 semi-independent

[1] See "New Hampshire Secures Partial Reorganization," the REVIEW, July 1950, page 344.

[2] See the REVIEW, March 1950, page 140; April, pages 170 and 191; June, page 298; and July, page 346.

boards appointed by the governor. While some constitutional changes, including reduction of the number of elective officers, are desirable, the committee confines its present proposals to those that can be adopted without constitutional amendment.

As the secretary of state is appointed by the governor, instead of being elected as in most states, it is proposed that he be given wide responsibilities under the governor and that he be a person of gubernatorial stature. He would be a deputy of the governor and at the latter's behest would supervise and coordinate all the staff and central service activities of the state government, including revenue and taxation functions, budgeting, budgetary control, purchasing, accounting, fiscal reporting, personnel administration, the corporation department, etc. Heads of departments would be appointed by the governor, with senate confirmation, except in two departments—education, where a board would appoint the superintendent, and health and welfare, where a board would likewise choose the director.

Illinois

The Illinois Commission to Study State Government, in a multigraphed report in five sections totaling 89 pages, points out that despite a notable reorganization in 1917 of the state government, there are now 79 agencies, including seven elective officials. It proposes considerable reduction of existing agencies. A new Department of Public Welfare would merge four agencies dealing with vocational rehabilitation, crippled children, handicapped children and education of the blind and deaf. The Public Aid Commission would continue as a policy-making and advisory agency. The Bureau of Industrial Hygiene in the Department of Public Health would be abolished, leaving a similar unit in the Department of Labor.

A Department of Natural Resources and Conservation would supersede the existing Department of Conservation and three independent agencies. The duties of the Division of Motor Carriers would be divided between the highway police and the secretary of state. A new Department of Highways would be established. A Department of Administration would assume the duties of the present Department of Finance and, in part, those of the State Housing Board and the Division of Architecture and Engineering. The Department of Aeronautics would be discontinued.

A Department of Military and Veterans Affairs would consolidate certain dispersed functions. The Civil Service Commission would take over the work of the Merit System Council. The Department of Revenue would assume collection duties of the racing and athletic bodies. Six election boards would be reduced to one.

Numerous other recommendations for simplified organization, economies and improved services are made, especially in the fields of welfare, revenue collection, budget, expenditure controls, personnel practices and purchasing.

The report notes as unfinished business the problems of reorganization of the judiciary, reapportionment, legislative facilities, reduction of elective officers, home rule, the fee system, etc.

Kansas

The Commission on State Administrative Organization, appointed by Governor Frank Carlson in March 1950, rendered a 58-page multigraphed report on November 14, 1950. Its chief recommendation is that a Depart-

ment of Administration be established to consolidate existing offices in the field of financial administration. It would be headed by a director appointed by the governor with Senate confirmation and would include three divisions—budget, accounting and pre-audit, and purchasing. Pre-audit duties would be transferred from the elected state auditor, who would be charged with post-audit of state agencies and supervision of municipal audits.

The commission also urges single administrators instead of administrative boards; merging the Joint Merit System Council with the Department of Civil Service and consolidation of two veterans' agencies; and the creation by the 1951 legislature of a commission, with adequate appropriation, to study all state agencies.

Massachusetts

The Special Commission on the Structure of State Government has issued three brief reports. The first outlined the basic goal of establishing clear lines of authority and eliminating the overlapping of functions. The second stresses the multiplication of state agencies despite a constitutional amendment in 1918 specifying twenty operating or regulatory departments, plus a fiscal and administrative control agency directly under the governor and council. The report states that there are now 76 agencies in the executive branch, making true executive responsibility impossible. Over 40 of these are nominally in the departments but are excluded by statute from departmental control. The commission aims to reorganize functions under not more than twenty departments. It assails the existing budgetary processes and the various special funds, and points out duplications by two personnel agencies.

The third report, dated February 1951, deals with administrative savings, as to purchasing methods, and the disposition of certain inactive funds. It also sets forth the procedure followed by the commission's seventeen study units in preparation of forthcoming reports.

North Carolina

No official investigation of state organization appears to have been authorized, but a study has been made in considerable detail by Dr. Roma Sawyer Cheek of the Department of Political Science, Duke University, and has been made available in printed form to the legislature and others, as a 127-page book entitled *A Preliminary Study of Government Management in North Carolina.*

In the field of legislative organization the North Carolina Senate has recently reduced its committees from 52 to 36, in line with proposals by the lieutenant governor, aided by the Institute of Government of the University of North Carolina.

Oregon

The Legislative Interim Committee on State Government Administration makes many recommendations for administrative reorganization and internal improvements in a 215-page multigraphed report dated December 15, 1950. To quote *State Government* for February:

> One major recommendation would place all fiscal control activities directly under the supervision of the governor, the custody of state funds under the state treasurer and the post-audit functions under the secretary of state. Other major recommendations include the combining of all present activities relating to motor vehicle registration and fee collections in a proposed Department

of Revenue, which would be headed by a director appointed by the governor. In addition to reorganization proposals, the committee report contains some fifty-five specific recommendations dealing with internal procedures and organization intended to bring about improved and more efficient expenditure control.

Proposals to Revise Nebraska Legislature Fail

A constitutional amendment to restore partisan nomination and election for Nebraska's unicameral legislature has been proposed in the current session but the committee on government voted five to two for indefinite postponement, after a hearing on February 27 at which most of the testimony in favor of the change was presented by party officials and party workers. The legislature, by a 25 to 15 vote, has since refused to revive the proposal. Professor Lane W. Lancaster, of the Department of Political Science, University of Nebraska, reports: "The legislature here is normally heavily Republican but it has not managed its affairs in a partisan manner. The speaker in the last session was a Democratic leader in the state and was his party's nominee for the governorship last November. Committee chairmen are chosen without reference to party affiliation and very few votes follow party lines. Personal worth and experience have counted for more than party affiliation."

A petition was circulated in the state last year in an effort to increase the membership of the legislature from 43 to 75, but failed to obtain enough signers to be placed on the ballot.

In November 1950 the voters defeated, 129,677 to 71,173, a proposed constitutional amendment that would have permitted annual sessions of the legislature (only appropriations and confirmation of appointments to be considered in the even-numbered years unless the governor were specially to designate other topics); would have lengthened the term of a legislator from two to four years; and would have allowed the legislature to fix its own salaries.

Connecticut Women Voters Seek New Constitution

The Connecticut League of Women Voters is spearheading another drive for a new state constitution to replace the present one, drafted in 1818. Bills have been introduced in the legislature calling for a constitutional convention to draft a new document for submission to the people in November 1952.

Puerto Rico to Vote on Framing Constitution

Under Public Law 60 of the 81st Congress, the Puerto Rico Constitutional Government Act signed by President Truman July 3, 1950, a referendum will be held in Puerto Rico on approval of the act. If a majority approve it the Puerto Rico legislature is authorized to call a constitutional convention to draft a constitution providing a republican form of government, subject to approval by popular vote and by Congress. The legislature has established June 4, 1951, as the date of the referendum.

58 Per Cent of State Employees under Civil Service Laws

A survey of state civil service in 1950 by the National Civil Service League reveals that the number of people working for state governments totals 645,000 and that 374,000, or 58 per cent, of these employees are covered by civil service or merit system legis-

ation. The league's study made no ttempt to judge the quality of civil ervice systems in the various states.

A survey made by the Social Science Research Council in 1935, on the basis of 1932 figures, showed 252,000 employees on state payrolls, with only 38 per cent or 97,000 covered by civil service laws.

There are eighteen states, the league noted, where civil service laws cover all state departments. Of all the large population states only Pennsylvania lags behind in developing civil service coverage. It ranks third in number of state employees, with 39,000, but only about 14,000, or 36 per cent, are in the merit system. New York, with over 57,000, has the most employees, with 87 per cent under the merit system; California, with nearly 45,000 employees, has merit system coverage of 97 per cent.

Nine states now include merit system provisions in their constitutions. Colorado, New York and Ohio had such provisions prior to 1933 and California, Georgia, Kansas, Michigan, New Jersey and Missouri have since been added.

Not all developments have been in the direction of steady progress. In Arkansas, Louisiana and New Mexico civil service systems were adopted and later dropped.

The league, in the January-February issue of its publication *Good Government*, tabulates by states a breakdown of the 374,000 state employees who are under civil service: 295,000 of them are employed by those states where civil service laws cover all departments; 57,000 by states where there is partial merit system coverage; and 22,000 by the seventeen states where the only coverage is that provided by the federal government's social security regulations.

Medical Examiner Law Urged for Wisconsin

A committee of the Wisconsin Bar Association has been giving attention to extending to the rest of the state the advantages which Milwaukee has enjoyed under a revision of the laws relating to coroners.

Milwaukee in 1943 created a medical examiner appointed by the county board, with good results. The committee, headed by Arnold C. Otto, chairman, recommended in 1949 that investigations of deaths be turned over to the district attorneys with the aid of a medical examiner chosen for merit, inquest with a coroner jury being dispensed with unless the district attorney wants it. The bill was defeated in the assembly, being opposed by the coroners of the state. But a new attack with the aid of the State Medical Society and the Association of District Attorneys has been organized and the National Municipal League's model law for a state medico-legal investigative system is being utilized in the planning.

R. S. C.

Council-Manager Plan Developments

At a special election on February 14 the voters of **Modesto, California,** (1950 population 17,347) adopted a council-manager charter. It provides for a mayor and six councilmen to be elected at large for four-year terms. The council appoints the manager. No resident of Stanislaus County (containing Modesto) is to be appointed manager within twelve months after the charter becomes effective. The votes of five members of the council are necessary for removal of the manager. The charter must be approved by the state legislature. If this occurs in time an election under the new charter will be held on April 10. A

manager charter approved by the voters in 1949 was declared invalid by the courts.

By the slight margin of two, the voters of **Stoneham, Massachusetts** (13,208) adopted a council-manager charter on March 5. The town voted to adopt the plan a year ago but the courts declared the referendum void because two words, "as amended," were added to the end of the proposal as first approved by the state legislature in 1950, though such amendments were not approved by the state until a week after the election.

Perryton, Texas, (4,399) adopted the council-manager plan on February 28 by a vote of 306 to 186.

The International City Managers' Association reports manager adoptions in 1951 by **Fremont, Michigan,** (3,026); **Santa Anna, Texas,** (1,590); the town of **Poultney, Vermont,** (2,936) and the village (1,685) of the same name, within the town. The association has also added to its official list, as 1950 adoptions, **LaGrange, Georgia,** (24,954); **Great Bend, Kansas,** (12,620); **Dixon, California,** (1,710); **Monticello, Utah,** (1,170); **St. Albans, Maine,** (1,034); and **Berry Hill, Tennessee,** (1,238); and as pre-1950 adoptions, **Belle Meade** (2,837) and **Collinwood** (591), both in Tennessee.

Voters of **Laurinburg, North Carolina,** approved a modified council-manager plan, 373 to 301, at a special election on February 27. The total vote was about one-third of the registration. Already approved by the 1951 legislature, the plan takes effect May 9, 1951.

Recent action concerning the manager plan in **Maine** includes: the town manager plan was retained at special town meetings in **Farmington** on December 26 and in **Wilton** on January 4; the village of **Ogunquit** is considering adoption of the manager plan; a manager proposal was defeated in **Millinocket** at a special town meeting on January 22; the plan was voted out at a special town meeting in **Brooks** on January 9; the town of **Orient** discarded the plan last year.

A campaign for adoption of a Plan E council-manager charter in **Lynn, Massachusetts,** in November is under way, against political and press opposition.

By a vote of 781 to 431, **Southbridge, Massachusetts,** has approved selectmen-town manager government. Legislation to provide the plan will be introduced in the legislature and the question will be on the ballot at the next town meeting.

A special five-man committee to study the manager plan, appointed last year by the town moderator of **North Andover, Massachusetts,** decided against the plan but recommended a survey of the town's present government in the interests of economy and efficiency.

The town meeting of **Townsend, Massachusetts,** will consider appointment of a committee to investigate the feasibility of the manager plan for that town.

Rhode Island's Governor Roberts has sent to the legislature an optional charter bill which gives cities and towns a basic choice between council-manager and mayor-council government with variations of each. It also gives cities and towns authority to create commissions to draft home rule charters. The governor has also proposed a home rule constitutional amendment.

The **Warwick, Rhode Island,** Charter Revision Study Commission, deadlocked over the type of charter it will recommend, has asked the state legislature for permission to submit both the council-manager and the mayor council forms of government to the voters.

The newly formed Citizens League of **Pawtucket, Rhode Island,** has as its first project a campaign for adoption of the council-manager plan in place of that city's 65-year-old charter.

The **Jamestown, Rhode Island,** town council on February 15 approved for submission to the legislature a revised charter under which, subject to approval of the voters, Jamestown could adopt the town manager plan.

A special election will be held in **Maywood, New Jersey,** on May 8 on the question of adopting the council-manager plan.

A bill to permit council-manager government in all **Illinois** municipalities except Chicago has been introduced in the House of Representatives, with fourteen sponsors. It specifies councils of five for all cities except for Peoria, which would have nine. Villages would continue to operate with seven trustees except where a special charter prescribes a lesser number.

A bill to require a city manager to consult the council before appointing or removing a department head has been passed by the **North Dakota** legislature.

The city council of **Dallas, Oregon,** has adopted an ordinance giving the city auditor supervision over the operation of all departments and employees except the street and water departments and the city marshal.

Walter E. Greenwood, president of the **Pennsylvania** League of Third Class Cities, long an active opponent of the council-manager plan and of efforts to make it available to the state's 47 third-class cities, stated on March 2 that he did not expect the league either to approve or oppose the issue this year in the legislature.

The **San Antonio, Texas,** city council has voted to place the question of charter revision on the ballot at the regular May 8 election. At the same time the voters will choose a charter commission. First group to file for the fifteen positions was that sponsored by the Council-manager Association, pledged to draft a charter to provide the council-manager plan. (See also page 224.)

The International City Managers' Association states that all except twenty out of 152 cities that issued annual municipal reports in 1950 are council-manager cities.

Manager meetings in recent months include one of 48 at Pinehurst, North Carolina, in January, attended mostly by managers from North Carolina but a few from South Carolina and Virginia; city and county managers in the area around Washington, D. C., also met in January; Michigan managers had their annual mid-winter meeting and management clinic in Ann Arbor, February 14-16; 65 California managers met in San Jose February 21-23; 22 out of 25 Oregon and Washington managers met in Portland, Oregon, February 24-25.

Los Angeles Commission Urges Better Methods

The Los Angeles Commission for Reorganization of the City Government made two progress reports to Mayor Fletcher Bowron and the city council in December 1950. The commission, created in 1949 to report by June 30, 1950, found that an adequate job could barely be started by then, and its work has continued under six "task forces" dealing respectively with fiscal operations, personnel management, distribution of authority and responsibility, intergovernmental relations, physical properties and interdepartmental services.

The first report was prepared by the task force on interdepartmental

services and deals with procedure analysis, form design and control, printing and duplicating, and records management. It finds many defects in these fields and proposes various remedies.

The city government was reported to be deficient in well worked out, written procedures governing the work of its employees and departments. The commission recommends that a procedures analysis section be established in the Bureau of Budget and Efficiency, to make a systematic review and revision of procedures with the help of all departments. Savings up to $3,000,000 per annum were judged to be feasible through such action.

The new section would also be given responsibility for design and control of forms used by city departments, to reduce the multiplicity and waste in existing forms.

Another recommendation is that the printing bureau, now under the police department but working chiefly for other departments, be transferred to the purchasing department and coordinated with outside printing work.

A temporary ex officio records management committee was proposed, to develop a plan for a permanent organization for management of records.

The second report, by the task force on fiscal operations, deals with budget planning and review, budgetary control and accounting. It found that the preparation of the budget fails to meet accepted planning standards and that revenues have been underestimated and expenses overestimated. A performance type of budget is recommended, in which the Bureau of Budget and Efficiency should play a larger part, with citizen participation and assistance to the mayor and council in budget planning and review.

Greater budgetary control as to all departments is recommended. Pending development of more effective budget planning and control the commission urges a full review and adjustment of the budget for the second half of the fiscal year.

Although the charter calls for centralization of responsibility for all city accounting in the office of the controller, such centralization was reported lacking. It is recommended that the controller prescribe a uniform system of accounts for the city and its departments and improve his supervision over departmental accounting.

More Limitations on Presidential Term

A week after the 22nd amendment to the United States constitution became effective, making it impossible for the people to reelect a president twice, a proposal for a further amendment to provide for removal of a president by action of Congress was introduced in the House of Representatives by Frederic R. Coudert, New York City Republican.

The 22nd amendment took effect on February 26 when the Nevada legislature ratified it, thus becoming the 36th state legislature to do so since its introduction in 1947. Under it no one after President Truman can serve more than two terms, except a president who serves two years or less of the unexpired term of another president.

Under the Coudert proposal Congress could adopt a no-confidence resolution by two-thirds majorities of Senate and House, to be followed within ten days by resignation of the president or his calling a general national election. If he resigns, his successor for the unexpired term would be chosen by majority vote of at least three-fourths of the membership of Congress meeting in joint session.

County and Township . . . . *Edited by Elwyn A. Mauck*

Atlanta, Fulton County Get Some Consolidation

Philadelphia Proposal Passes State Senate

THE 1951 Georgia legislature has passed several laws which together will give partial consolidation to Atlanta and Fulton County. Under the new legislation:

(1) Atlanta's city limits will be extended to take in some 82 square miles of county territory, including about 100,000 people and five densely populated areas.

(2) Overlapping of city and county functions will be eliminated with the city taking over all city-type services—fire, police, parks and sanitation, and the county being responsible for health services in the area.

(3) City and county government employees may be transferred from one government to the other without loss of seniority, job rights or pension rights. A joint performance committee will be set up to supervise the transfer of departments between the two governments and civil service systems of both are being studied in an effort to establish an integrated city-county civil service and pension system.

(4) County taxes are to be reduced on urban residents to compensate for increased city taxes necessary to supply services to the annexed area. Homestead exemptions of $2,000 are extended to city home owners.

(5) Although school departments will not be merged, the city school system will take over 38 county schools in September.

Some provisions go into effect immediately but the bulk of the program takes effect January 1, 1952.

The constitutional amendment providing consolidation for the city and county of Philadelphia, which passed the legislature in 1949, has now been passed by the Senate for the second time. If it is adopted in the House, it will come before the electorate at a statewide election. Both political parties expressed their support of the amendment in platforms adopted last fall.

Lucas County and Toledo, Ohio, have pending an agreement, duly approved by the county commissioners, under which welfare activities will be consolidated. The city council has not yet approved the proposal. The effort in Lucas County is spurred by reports of economies effected by similar consolidations entered into in recent years by Mahoning County and Youngstown, Ohio, and by Franklin County and Columbus.

The Commissioners Court of Denton County, Texas, has agreed to pay the city of Denton $10 per truck for each fire call answered outside the city limits.

County Consolidation Proposed in Oregon

The consolidation of five counties has been proposed in the Oregon State Senate by introduction of a bill that would combine Sherman, Wheeler, Gilliam, Morrow and Umatilla Counties. Senator Richard L. Neuberger, who introduced the bill, pointed out that the consolidated county still would have a smaller area than several existing counties. He declared, "There is no sense in requiring a whole staff of county officials for counties with such small populations,"

and stated further, "this would eliminate four courthouses with their armies of commissioners, assessors, treasurers, auditors, sheriffs, jailers, custodians, clerks and many others on the public pay roll."

King County Charter Drafters Approve Manager Plan

The King County, Washington, Freeholders Commission has voted to adopt the manager plan as the basis for the new charter it is drafting. Twelve commissioners voted for the plan with one member abstaining. The commission also voted to provide an enlarged board of county commissioners, to place the county's 3,000 employees under the merit system and to provide for nonpartisan elections. The sheriff and county clerk, now elected, will be made appointive. Further study of other elective offices will be made.

Canadian Province Forms Two Counties

The province of Alberta is the first western Canadian provincial government to try the new form of county government under which the jurisdiction of municipal, school and hospital boards are amalgamated under a county council. Under Alberta's new county act, passed by its legislature in 1950,[1] two counties are in process of formulation. When formed, the county councils will exercise budgetary control over municipal services within their jurisdiction. After four years there will be a referendum on whether the plan should be continued.

Two Counties Adopt Pay-As-You-Go Plans

Despite the nation-wide pressures for expansion of capital improvement programs, two large counties stand out as having been able to convert to a pay-as-you-go plan and to retain that status. Lucas County, Ohio, embracing Toledo, and Hennepin County, Minnesota, which includes Minneapolis, are in this enviable position today.

Lucas County had $5,000,000 of bonded indebtedness in 1940 and when repeated defeats were encountered in referenda on proposed county bond issues, the authorities determined to change to a pay-as-you-go plan. The last bonds were retired in 1947 and since that date the voters have approved several tax programs for the financing of capital improvements. The city of Toledo also is on a pay-as-you-go plan.

In Hennepin County, a small annual levy is made for capital construction which is supplemented from current funds whenever capital construction programs are undertaken.

County Road Unit Systems Win Over Townships

The county unit of road administration, which was adopted by the voters of Nacogdoches County, Texas, in 1948, recently survived a referendum attempt for its repeal. Almost 1,000 voters signed the petition for the referendum, but the subsequent election produced only 681 votes for return to the old system while 1,275 votes were cast to retain the unit system.

All 83 counties in Michigan have now adopted the county road commission system, thus eliminating township jurisdiction over roads in the county system. In seventeen counties the commissioners are popularly elected; in the remainder they are appointed by the boards of supervisors. It has been recommended that the latter method be made statewide. The

[1]See the REVIEW, January 1951, page 45.

commissioners' duties are administrative, chief among them being appointment of the superintendent or engineer.

County Provisions of New York Constitution Revamped

One of the 1,268 bills passed by the 1951 New York legislature was a little noticed complete revision of the language of the county government provisions of the state constitution. Before it can become effective the amendment must pass the legislature again in 1953 and be approved at the polls that November.

The amendment was drafted by George Hallett of the New York Citizens Union at the suggestion of Lieutenant Governor Frank C. Moore and introduced by Senator Samuel Greenburg, Brooklyn Democrat, and Assemblyman Allan P. Sill, Massena Republican, of the State Commission on County Government. It passed both houses unanimously. Its purpose is to clarify a good deal of ambiguous language left in part of Article 9 of the constitution by the constitutional convention of 1938 and to arrange the provisions in a more logical order. Among other things it will:

1. Give definite meaning to the vague provision that the legislature may not pass any county law "which shall be special or local in its terms or in its effect" without a special county request or a message from the governor and a two-thirds vote of each house. Under the amendment a county law will not be considered special or local if it applies alike to all counties outside New York City, whether it applies to the very special five-county setup within the city or not, or if it applies to all counties outside New York City which have not adopted any of the available alternative forms of county government. If it also applies to some of the counties having alternative forms of county government and is requested by each of them, it will still be considered a general law. Any other county law will have to be requested by each county to which it is meant to apply or else be submitted to the legislature with a special message from the governor.

2. Give definite meaning to the provision that when an alternative form of county government transfers functions "to or from the cities, the towns or the villages of the county or any class thereof," the transfer or the form of government containing it must be approved by "a majority of all the votes cast thereon in such cities, towns, villages or class thereof as the case may be." Does this mean each municipality separately, or each class separately, or all those affected considered as one unit, or what? The amendment will provide that such a transfer, to be effective, must be approved by a majority of the votes cast on it (1) in all the cities affected, if any, considered as one unit; (2) in all the towns affected, if any, considered as one unit, (3) in all the villages affected, if any, considered as one unit.

3. Remove an outright contradiction which crept into the constitution when the county and city home rule articles were thrown together at the windup of the constitutional convention.

Taxation and Finance • • • • *Edited by Wade S. Smith*

Budget Woes Grip New York City Fathers

Get Legislature's O. K. to Hike Sales Tax to 3%

EFFORTS of New York City's Mayor Vincent R. Impellitteri to provide a $250 per year cost-of-living pay increase for city employees, via an increase in the municipal sales and use tax rate from 2 per cent to 3 per cent, have precipitated one of the toughest political battles to revolve around the big city's budget problems in several years. Permissive legislation was passed by the state legislature at its closing session on March 16, but the bill is yet to be signed by the governor and actual revision of the city sales tax ordinance by the New York City Council remains to be accomplished.

Spearheading the opposition to a sales tax increase is an anti-sales tax committee representing some eighteen trade and business organizations and having as its chairman Walter Hoving, president of the Bonwit Teller department store. Warning New York City members of the legislature that the committee would see to it voters were reminded at the next election whom they had to thank if the sales tax were raised, the committee struck out on two flanks. It asserted that the expected $60,000,000 of new revenue from the proposed sales tax rate increase would be about twice what would be needed to meet the additional payroll costs of a $250 pay hike, and it declared that a 50 per cent rise in the rate would seriously curtail retail trade in the city.

The scope of the debate extended from New York City to Albany inasmuch as the city's charter and statutory powers of raising revenues by special taxes are limited, and the sales tax must be authorized by the state, the present law providing only for a 2 per cent rate. The anti-sales tax committee's appeal to Governor Thomas E. Dewey to repeal any enactment by the legislature brought from the governor the observation that the necessity for additional revenues would be more palatable if accompanied by demonstrations that economies had already been made in other directions. To this the city, through Assistant Budget Director A. B. Beame, replied with specifications listing upwards of $15,000,000 of savings effected during the last three years through the work of the city budget bureau, and prospective large but as yet indeterminable savings to result from proposals made or anticipated from the comprehensive management survey which is being directed by Dr. Luther Gulick of the Institute of Public Administration.

When opposition to the proposal had first begun to stiffen, the newspapers had reported there was a deal in the making whereby New York City Democrats in the legislature would trade support of a Republican-sponsored proposal for more stringent truck licensing legislation for Republican support for the city sales tax rise. This apparently resulted in a minor revolt on the part of the city legislative members, and was followed in the second week of March by announcement by the city that it would seek, as an alternative to the sales tax increase, legislation authorizing a 1 per cent payroll tax, to be collected from employers.

Proposal of a payroll tax paid by

employers only was regarded in city circles as taking the pressure off the Democrats on the sales tax issue, particularly in the light of labor objections to the sales and use levy increase. Just why a payroll tax might be easier to press through the legislature as an alternative measure was not immediately evident, however. It was regarded as certain to raise opposition from far wider business and industrial interests than had the sales tax proposal, and be, if anything, less palatable to the state administration. At 1 per cent, a payroll tax was estimated to produce about $90,000,000, or half again as much as the sales tax increase.

Local Borrowing Costs Rise Slightly

Interest costs on state and local bonds, after following a more or less steady downward trend from the last quarter of 1949, rose slightly in February and March 1951. The rise reflected in part increasing difficulty on the part of investment bankers in disposing of bonds at the low yields reached by late 1950 and in part further changes in federal monetary policy. States, cities, counties, school districts and other local units may still borrow at extraordinarily low cost, however, for the interest increases effected and in prospect are really quite moderate.

The convenient measure of local borrowing costs is an index of average yields compiled for years by *The Daily Bond Buyer,* a municipal investment journal, based on bonds mainly of twenty-year maturity of twenty representative cities and states. This index declined from its all-time high of 5.69 per cent in May 1933 to a low of 1.29 per cent in February 1946. The low reflected the acute scarcity of municipal bonds in the market as a result of the virtual cessation of borrowing during the war, and as supply rose in the postwar period the index gradually advanced, breaking above 2 per cent in November 1947 and reaching a postwar peak of 2.45 per cent in November 1948. During 1949 it fluctuated between 2.21 per cent and 2.10 per cent, following a downward trend in the year's final quarter to 2.11 per cent in December 1949. The index rose again above 2 per cent during the forepart of 1950, dropped to 1.99 per cent on June 1 and then moved gradually to a 1.75 per cent basis in November and December. By the forepart of February 1951, the index was down to a 1.58 per cent level, from which it rose to 1.63 per cent on March 1, 1951, and 1.73 per cent on March 8, the last reported as this column goes to press.

The ten-point rise in the yield index during the first week in March 1951 resulted in part from announcement by the U. S. treasury that some $20,000,000 of 2½ per cent bonds due in 1972 would be accepted for exchange into a non-marketable issue of 2¾ per cent refunding bonds which in turn might be converted into 1½ per cent five-year notes. At the same time, the Federal Reserve Board's open-market committee removed the "pegs" which it had been setting to stabilize government bond prices (through the purchase of bonds for Federal Reserve account), and the government bond market for several days was considerably dislocated, the rise in the long-term rate being accompanied by an adjustment of a pattern from approximately 1½ per cent to 1⅝ per cent for one-year maturities and for five-year maturities from about 1¾ per cent to 1⅞ per cent. The muncipal bond index of March 8, at 1.73 per cent, was not regarded as yet fully reflecting the adjustment in the feder-

al money market, but most observers felt it came close to doing so. Thus, local borrowers appear to face only a minor interest cost rise as a result of the upward adjustment of federal rates.

Officials Oppose End of Local Bond Tax Exemption

Proposals of the U. S. Treasury Department to secure legislation making taxable the income from state and municipal bonds, last revived in 1942, have been advanced again and are being strenuously opposed by the numerous organizations of state and local officials and the investment banking business. Where earlier proposals were advanced mainly on the ground that the inequities of exemption of a preferred group of investors required the elimination of the exemption, the present proposal seems to be based primarily on the federal government's urgent need for additional revenues.

At House Ways and Means Committee hearings late in February, representatives of the United States Conference of Mayors and similar organizations offered lengthy testimony in opposition, based on the familiar objections that such taxation would be unconstitutional, would interfere with state and local operations, and would unjustifiably increase the cost of state and local borrowing. With the opposition stemming from the same sources as heretofore, many observers believed it unlikely that the Congress would be persuaded to reverse its earlier refusals to alter the *status quo*.

Georgia Adopts the Sales Tax

A 3 per cent sales and use tax was adopted by the Georgia legislature just prior to adjournment of its 1951 session, bringing to 29 the number of states now having such levies. The tax became effective April 1.

One of the broadest ever adopted, the Georgia sales tax will apply to virtually all types of sales, according to an analysis by the Federation of Tax Administrators. In addition to regular retail transactions, the act includes, as taxable sales, utility charges, rentals from hotel rooms except when rented by the same occupant for 90 or more continuous days; admissions and all other amusement charges. Among taxable utility charges are those for natural or artificial gas, electricity, solid fuels, transportation and local telephone service. The act also holds as taxable transactions the sale of gasoline, cigarettes and beverages—items already subject to other state excises.

Principal transactions exempted from the tax are the sale of industrial materials used in manufacturing or preparing goods for resale which become part of the finished product and sales of seed, feed and fertilizer to farmers.

The tax is part of a tax revision program intended to provide revenue for an expansion of some $75,000,000 annually in state spending for schools, highways, health and welfare. Other portions of the state's tax revision program given legislative approval included reduction in the emergency taxes on beer and wine which were first imposed in 1949 and the repeal of more than 100 so-called "nuisance taxes" and license fees on business and individuals. Included were the chain store tax, which was imposed on a graduated scale on the basis of the number of stores any one firm has in the state, and the tax imposed on fire insurance companies to meet the cost of fire inspection.

Proportional Representation . . *Edited by George H. Hallett, Jr. and Wm. Redin Woodward*

(This department is successor to the Proportional Representation Review)

Massachusetts Continues Ban on P. R.

Courts to Pass on Its Removal from Plan E

AN ATTEMPT to restore P. R. to one of the optional council-manager plans available to Massachusetts municipalities failed by a vote of 117 to 105 in the House of Representatives on February 28. The legislature had removed P. R. from Plan E which provided it for the election of the city council and school committee, in 1949.[1]

The vote came about on the motion of Representative Richard J. White, Jr., of Lynn, to upset the adverse report on the measure made by the committee on cities. The Massachusetts legislature is distinguished by the fact that adverse committee action cannot prevent a measure from being brought to a vote on the floor.

The House, however, has refused to extend the ban on the use of P. R. to the six cities which adopted Plan E previous to the 1949 action.

Gloucester and Somerville, which voted for Plan E since the ban, are still uncertain as to whether they may use P. R.—a flaw in the 1949 law could lead to its being declared invalid and other legal points have been raised. Litigation has been started in the superior civil court by Gloucester. Counsel for the Gloucester Home Owners' League, the group which campaigned for Plan E, has been permitted to participate in the proceedings.

Other Massachusetts cities continue their interest in Plan E. In Lynn the Civic Cleanup Organization is planning to circulate petitions to place its adoption on the November ballot.

[1]See the REVIEW, September 1949, page 409; October 1949, page 461.

Walter Millard— A Great American

Proportionalists everywhere have suffered a special loss in the death of Walter J. Millard, recorded in "News for League Members," page 126 of the REVIEW for March. Though he was an apostle of good government generally, his first allegiance was to proportional representation, which he expounded with a matchless simplicity and eloquence. No gathering of the P. R. clans was complete without him and for 35 years he battled valiantly in practically every P. R. adoption or defense campaign in the United States.

Discovered by C. G. Hoag in his search for an effective evangelist of genuine representative government, Millard became field secretary of the American Proportional Representation League in 1917 and continued in that position until his death, although he had been on the payroll only part of the time since the amalgamation of the P. R. League and National Municipal League in 1932. For years he travelled almost constantly and was practically as well known in Philadelphia, Cleveland, New York and Chicago, and in fact to the civic fraternity throughout the country, as he was in his home town of Cincinnati. As the P. R. and manager plan ideas spread he helped to chalk up victories in Cleveland, Cincinnati, Hamilton, Toledo and New York. Undoubtedly he

(Continued on page 226)

Citizen Action . . . . . *Edited by Elsie S. Parker*

Interstate Area Council Proposed by Philadelphia

Planning Groups Analyze Metropolitan Problems

THE CITIZENS Council on City Planning of Philadelphia has just completed a study of *Organizations for Metropolitan Planning* (55 pages). Issued in cooperation with the Philadelphia Housing Association, the report covers "a study of selected groups in the United States and a proposal for discussion in the Philadelphia area." Organizations surveyed—both official and unofficial—include the Allegheny (Pittsburgh) Conference on Community Development, the Kansas City Citizens' Regional Planning Council, the Regional Association of Cleveland, Port of New York Authority and the Metropolitan District Commission of Boston, the last two official groups. The report was prepared by Sanford S. Farness, of the Harvard Graduate School of Design.

Proposed for Philadelphia is a program for the organization of an unofficial agency "representing the states in the metropolitan district, the central city of Philadelphia, the suburban counties and the major outlying municipal units. A basic organization plan is set forth. Study of such problems as transportation, land use, parks and recreation, water supply and sanitation, airports and port development would be its task. Coupled with such an organization, says the report, there should be an official agency representative of the states, counties, cities and other governmental units of the area. Problems facing the organization of such an agency are discussed in some detail.

The council in late 1950 began publication of its *Zoning News Letter* as part of its Zoning Alerting and Advisory Service. One issue presents an explanation of residential zoning, another shows several cases illustrating how community groups are attempting to preserve the residential character of their neighborhoods.

Poughkeepsie Activity

Parking, city finances and a new high school are matters which have lately occupied the Poughkeepsie Area Development Association.

Parking for Poughkeepsie—A Plan for Action (29 pages) discusses "those phases of the over-all traffic problem in the Poughkeepsie area which are concerned primarily with parking." It provides data on existing curb and off-street parking facilities within the central business district, evaluates these facilities and suggests a program to help insure adequate facilities in the future. Copies of the report are available at 25 cents.

The first two sections of a three-part report on Poughkeepsie's finances have now been released by the association. Part one contains a brief summary of the substance of the other two sections and the association's conclusions. Part II deals in detail with revenue and assessments; Part III will cover expenditures and debt.

The association has been making a study of a report recently released by the Board of Education on "A New High School for Poughkeepsie." One of its recent issues of *Plans and Action* considers the report, offering certain criticisms of its proposals.

Purpose of the Greater Dallas Planning Council is "the enlistment of all the citizens of Greater Dallas in an

activity to promote the master plan which is so vital to the future welfare of our city." Its report, *1950 in Review* (18 pages), presented to the annual membership in January, covers a wide range of activity including analyses of city and county finance and taxation, central business district report, aid in passage of the county highway bond program and a city bond authorization, Dallas County government employee study and many others.

Grand Rapids Plans

"Continuing attention to the various phases of its long urged planning program rather than the injection of new ideas occupied Metropolitan Grand Rapids Development Association officials the last year, according to George S. Clarke, president," reports the Grand Rapids *Press*. Subdivision regulations, a coordinated expressway and railroad relocation program, and a modern zoning ordinance are among the matters receiving attention. County planning, which the association has been advocating for some time, is being considered by various rural women's groups in cooperation with the association.

The organization is considerably interested in the attempts of city and county officials to plan a city-county building program and suggests that a survey of needed city, county, state and federal facilities precede any single unit planning and that a unified plan be developed with adequate parking facilities.

The association has organized the Allied Neighborhoods Council, representing 31 neighborhood business, improvement and community groups. Delegates from the local groups meet to exchange information on activities and to consider such problems as police protection, taxation, traffic control and community development.

The Grand Rapids *Press*, from which this information has been taken, devoted a six-page section of its issue of January 1 to "Planning a Better City."

Cincinnati voters having approved a bond issue for expressways, the Cincinnati Citizens Development Committee asks, "Where do we stand on the expressways project?" The question is discussed in the committee's *Bulletin* for February.

The Citizens Advisory Council of Santa Clara County, California, has been organized in response to the demand of citizens for an impartial forum in which problems affecting the welfare of the county may be discussed and studied, reports *Planning and Civic Comment*, published by the American Planning and Civic Association. The council will function by means of sections, each studying its own problem and reporting to the full membership.

Civic Potpourri

With the first home rule charter in its history on the ballot for April 17, the Citizen's Charter Committee of Philadelphia is making an all-out campaign for the charter's adoption. An attractive yellow circular, printed in blue ink, sets forth major provisions of the new document with short descriptions and many attractive cartoons. Another, decorated with figures of a man and woman of the "gay 90s," comments, "You wouldn't want to look like this today!" It compares the present charter with the new one.

The charter proposal has been endorsed by Mayor Samuel and practically all the city's civic organizations and is strongly supported in the daily press. The *Evening Bulletin* has been publishing a series of comic strips which describe charter provisions. "Philadelphia voters," warns the *In-*

quirer, "should be on guard against efforts by organization workers of both the Republican and Democratic parties to defeat the proposed new city charter."

The Bexar County (San Antonio) Citizens Council has reorganized and become an active political party. It plans to back a slate of candidates for the city council at the May election. Decision for the reorganization came after the group heard Allen H. Seed, Jr., director of field services for the National Municipal League, outline the need for such an active organization to campaign for the council-manager plan and fight subsequent attacks by old line politicians on any successful installation of council-manager government. Leader of the ticket is Mayor Jack White, long a leader in the fight to secure council-manager government for the city. (See also page 213.)

The Citizens Union of New York City has protested bills in the state legislature to raise the total number of Supreme Court judges in Manhattan and the Bronx from 36 to 40, stating it "would only make a bad situation worse." The union points to New Jersey's recent rehabilitation of its courts under the new state constitution and suggests that the legislature "might take a trip across the river and find out how easily the right kind of leadership can give the public better service at less cost."

Its first birthday was celebrated by the East Detroit Civic League early this year. In its *Civic News* for February, the league issued its report on candidates for the 1951 primary election, making recommendations for mayor, councilmen, justice of the peace and constable, and explaining the basis on which the recommendations were based.

The Detroit Citizens League, an organization in action for many years, has also issued its annual report on candidates for the February primary. It too makes recommendations, marking the candidates preferred or qualified, as the case may be.

The *Toledo Municipal News,* publication of the Toledo Municipal League, announces a new feature—"The Question Column." Says the *News,* "There are many facets of local government that are not covered in the monthly issues of the *News,* and in order to better assure a complete coverage of questions and issues bothering our members we seek your inquiries. . . . The staff will do its best to find the correct answer."

* * *

Activity Reports

One Year of Plan E in Worcester is a report to the membership by the Board of Directors of the Worcester Citizens' Plan E Association. Prepared by a committee, the "report fairly represents the general picture." It is not intended "to be a complete and exhaustive study of all phases of the operation of our city government." The report emphasizes the change in atmosphere around city hall. "Hangers-on" have virtually disappeared, "things are done and decisions are made at city hall—in both legislative and executive branches—with an eye to the general good of the city rather than to any individual's political advantage." Referring to the tax rate, the report comments, "We believe that Plan E is leading toward a better performance for each tax dollar."

Program of Work 1950-51, Mobilization for Tax Action is a four-page leaflet which sets forth proposed activities for the Property Owners Association of California.

The *Annual Report* of the Hamilton County Good Government League, covering 1950 activities, was submitted

o the membership by George H. almer, executive secretary, at its an- ual meeting in February. One of the eague's concerns has been the study f specific provisions of the consti- ution which are in need of revision. he organization has gone on record s favoring a "yes" vote on a consti- utional convention when the question oes on the ballot in 1952.

The *Annual Report of the Citizens Union of the City of New York,* listing 950 accomplishments, is a six-page quickie." It won't take long for the eader to get an excellent picture of vhat the union has been doing on ity planning, official corruption and rime, special privileges in public of- ice, state and city legislation, etc.

* * *

Short Ballot

A shorter ballot is strongly recom- nended by the Election Committee of he City Club of Chicago. The com- nittee has prepared a resolution for submission to the club, placing it on record "in favor of such immediate statutory and constitutional changes as will reduce the number of elected officials and confine the election to those officials who are responsible for public policy making."

* * *

New Organizations

Some 40 residents of Harvard, Illinois, have organized the Harvard League for Good Government. At the organization meeting in February the group adopted a platform stating the principles and policies it favored in the operation of local government and set up an executive organization consisting of a president, vice president, secretary and treasurer. While the league's first concern is good government for the city it may also look into township, county and state affairs. It plans to support a slate of officers at the next city election who will be committed to its ideals.

February also saw the organization of the new Citizens League of Pawtucket, Rhode Island—a nonpartisan, community-wide group which will launch an all-out campaign for council-manager government. Purposes and program of the league were announced at a dinner meeting addressed by Richard S. Childs, chairman of the executive committee of the National Municipal League. "The most urgent need facing Pawtucket today," said Amos L. Lachapelle, temporary president, "is the immediate adoption of a modern charter to replace the 65-year-old ramshackle charter under which the city is now operating." The proposed charter must be submitted to the legislature for its approval.

A good government group, to be known as the Association for Better Government for the Virgin Islands, has recently been formed in St. Thomas.

* * *

Citizen Conferences

The sixth National Conference on Citizenship, under the auspices of the National Education Association and the United States Department of Justice, will be held May 16-20, at the Hotel Statler, Washington, D. C. It is expected that some 1,200 delegates will attend.

The *Proceedings of the Fifth National Conference on Citizenship* (112 pages), held in Washington May 20-24, 1950, may now be secured from the National Education Association, 1201 Sixteenth Street, N. W., Washington, D. C., at 50 cents.

Highlights of the Southeast Conference on the Community (12 pages), held at Fontana Village, North Carolina, October 27-28, 1950, has been published by the American Council for

the Community, 119 East 19th Street, New York 3.

* * *

Recent Publications

The League of Minnesota Municipalities and State Department of Business Research and Development have together issued *Your Community, Organizing for Action* (35 pages). Well illustrated with cartoons, the manual is an excellent guide for groups who want to do something constructive about local problems. Copies may be obtained through the league, 15 University of Minnesota Library, Minneapolis 14.

You Can Be the Life of the Party (16 pages, 10 cents) urges citizens to become active party members. It has been published by the National League of Women Voters, 1026 Seventeenth Street, N. W., Washington, D. C.

A Plan to Promote Citizen Action in the City's Interest, by Pan Dodd Wheeler, appears in the Technical Section of *Tennessee Town and City* (Tennessee Municipal League, Nashville) for November 1950. It discusses public relations problems and their solution. One of its suggestions is the use of citizen committees for molding public opinion.

Professor Melvin J. Williams of the Sociology Department of Florida State University, Tallahassee, is author of *Current Projects in Community Organization and Leadership*—a preliminary report of a survey of 125 American communities (20 pages).

Citizenship—to Strengthen the Arm of Liberty (82 pages) was prepared for use in the Scout's fortieth anniversary crusade. It may be obtained from the Boy Scouts, 2 Park Avenue, New York 16.

* * *

Strictly Personal

The executive committee of the Civic Research Committee of Memphis, Tennessee, which voted in December to employ a full-time executive secretary, has appointed Charles Pool to the position. Mr. Pool was a teacher of history at the University of Mississippi, where he recently received his master's degree.

William Hobbs is president and David S. Edgar, Jr., an attorney, is general secretary of the Citizens League of Westbury, Long Island, a nonpartisan organization serving Westbury and its surrounding area.

PROPORTIONAL REPRESENTATION

(Continued from page 221)

took an active part in more campaigns for civic betterment than any other man in history. Undoubtedly also he left a lasting impression on the development of his adopted country (he was born "within sound of Bow Bells" in London).

Millard had a contageous optimism and an abiding faith in the destiny of mankind. One of his favorite sayings was that a civic reformer should have the time sense of a geologist. He never doubted that the recent setbacks for proportional representation —like the denial of voting rights to Negroes in the south—were just temporary growing pains of democracy and that its general adoption, not merely for city councils but for state and national legislatures throughout the world and for the elections of the United Nations, was just a matter of time.

His many personal friends will remember him for other qualities also for special thoughtfulness and generosity, for an avid thirst for all kinds of knowledge, for a robust joy of living. His faults and shortcomings of which he also had his share, merely serve to add humanness and seasoning to a rich memory. We are all of us the better for having known him.

G. H

Strait-jackets For States and Cities

Oregon Senator Puts Finger on Cluttered Constitutions

MORE of the results of research on needed improvements in local and state government ought to get into the national magazines. The trouble is that most researchers are fully occupied meeting deadlines set by pressing local events. They don't have the time, even if they have the training, to deal with a subject like constitutional revision or the municipal money problem with the broad brush required for a national reading public. Hence, the need for more pipe lines between researchers and professional writers willing and able to deal with public questions which involve facts and problems difficult for a writer to handle competently without some technical help.

One such writer, Oregon State Senator Richard L. Neuberger, has a lively article entitled "States in Strait-jackets" in the current number of *The American Magazine*. Facts about the frustrations written into many state constitutions are highlighted by the insights of an experienced legislator. The following authorized quotations will give an impression of the tone and viewpoint of the article:

"State government in America today is trussed and bound by a strait-jacket which perils all local sovereignty. This strait-jacket consists of state constitutions so absurdly cluttered with provisions promoted by pressure groups that the men and women under our capitol domes can barely carry out their responsibilities of office.

"In the vacuum thus created, the federal government has spread its heavy domination across the land, reaching into the lives of every individual family. . . .

"Pressure groups have discovered that it is no harder in some states to pass a constitutional amendment than a mere law. This may be why the South Carolina constitution is poulticed with 192 amendments and that of Oregon with 113. . . .

"Other state functions have been starved while old-age groups, protected by the constitution, take the first big bite out of the Colorado treasury.

"'We know it's wrong,' explained a senator at Denver, 'but we in the legislature are helpless. This kind of special interest subsidy has no place in the constitution.'. . .

"Seattle, one of the fastest growing cities in America, recently petitioned the Washington legislature for permission to establish its own city hall working hours, to furnish off-street parking, and to engage in slum clearance. This permission was necessary under a timeworn state constitution. The legislature arbitrarily turned down the request.

"'The trouble,' claimed Seattle's militant, 53-year-old Republican mayor, William F. Devin, 'lies in state constitutions and judicial interpretations of them, many of which were made before the United States became an urban nation. While business and industry are winging their way through the air, state government is plodding along in a horse and buggy.'. . .

"I remember sitting at my desk in Oregon's Senate, listening to legislators representing less than one-third of the people as they voted down machinery for providing needed school

levies in our state's only large city. Under a constitution written before Oregon had one paved sidewalk or electric light bulb, the city had no authority to govern itself. . . .

"'Too many frustrations around here,' commented a vigorous governor of Idaho as he filed for a congressional post in distant Washington, D. C. 'Whenever some responsibility faces the state, an outdated constitution prevents us from handling it in the right way.'"

Bureau Reports and Notes

The January 1951 *Newsletter* of the Pennsylvania Economy League, Western Division (Pittsburgh), is a sprightly, informal but fact-filled annual report for 1950 entitled "More Work Than Ever. The League Reports on a Dynamic Year and Its Problems."

The Civic Advisory Council of Toronto has issued a 12-page seventh *Annual Report 1950,* which includes a forecast of future plans as well as a summary of the past year's work.

In its January 31 issue of *Your Tax Facts,* the Brockton (Massachusetts) Taxpayers Association presents "Highlights of 1950," giving the high points of its activities and accomplishments.

In an address before the 52nd annual convention of the League of Iowa Municipalities, Dr. Robert F. Ray discussed the work of the Institute of Public Affairs of the State University of Iowa, of which he is director. Published in the *League of Iowa Municipalities Monthly Magazine,* the address indicates that the institute, created a year ago for the purpose of making "possible the use of the vast facilities of the university by public officials," has worked in close cooperation with the league.

The former residence of the late Samuel S. Fels, a gift to the University of Pennsylvania, will serve as new quarters for the university's Institute of Local and State Government. The new Fels Center will be available to public officials in Pennsylvania and New Jersey for meetings, will house its program of in-service and graduate training, and the institute's research activities.

* * *

Strictly Personal

Since February 1 of this year, John R. Kerstetter, formerly with the Newark Bureau of Municipal Research, has been serving as director of research with the American Municipal Association (Chicago).

Sherman P. Voorhees, who has been on loan to the Springfield (Massachusetts) Chamber of Commerce for the past two and a half years, has been recalled to full time service as executive director of Future Springfield Inc. Mr. Voorhees will remain as general manager of the Chamber of Commerce until his successor is named.

Research Pamphlets and Articles

Appointive Powers

Should Judges Be Relieved of Appointive Powers? More Proposals to Transfer Appointments to Governor Philadelphia, Bureau of Municipal Research, *Citizens' Business,* February 15 and 26, 1951. 3 pp. each.

Assessments

Erie County Assessed Valuations Buffalo 2, Municipal Research Bureau *Just a Moment,* February 8, 1951. 4 pp.

Budgets

An Analysis of the Governor's Budget Message 1951-52. Trenton 8 New Jersey Taxpayers Association *It's Your Business,* February 5, 1951 8 pp.

Billion-Plus State Budget. Governor Indicates "No New or Added

axes." By Frank H. Thill. Los ngeles 14, California Taxpayers' Association, *The Tax Digest,* February 951. 5 pp. 25 cents.

Control Over Civic Spending. Toonto 5, Bureau of Municipal Research, *Civic Affairs,* February 2, 1951. pp.

The County Turns the Corner. The eague Reviews the County Budget r 1951. Pittsburgh 22, Pennsylvania conomy League, Western Division, *E.L. Newsletter,* February 1951. pp.

Erie County Budget for 1951. Buffalo 2, Municipal Research Bureau, *ust a Moment,* February 15, 1951. 4 pp.

Harris County and Harris County Flood Control District, 1951 Budget. Houston, Tax Research Association of Houston and Harris County, January 0, 1951. 4 pp.

Building Codes

Building Regulations in Indiana. A Study of Public Rule Making by Private Specialists. (The background, operation and significance of Indiana's Administrative Building Council.) By John E. Stoner. Bloomington, Indiana University, Department of Government, Bureau of Government Research, 1951. 112 pp. $1.25.

City-County Consolidation

The Metropolitan Problem III.[1] Buffalo 2, Municipal Research Bureau, *Just a Moment,* February 22, 1951. 4 pp.

Codification of Ordinances

How to Codify City Ordinances. By Porter C. Greenwood. Knoxville, University of Tennessee, Municipal Technical Advisory Service, *Tennessee Town and City,* February 1951. 5 pp.

Education

Proposed Reorganization of the Dade County Public School System. What's Wrong with School Budgeting in Dade County? (Complete reorganization, with elimination of elected superintendent proposed.) Miami 32, Florida, Dade County Research Foundation, *Research Memo,* January 31 and February 21, 1951. 9 and 7 pp. respectively.

State Aid to School Districts in Utah. Salt Lake City, Utah Foundation, *Research Brief,* February 10, 1951. 2 pp.

A Study of the Present Salary Schedule of the Professional Employees of the Board of Education and Recommended Changes. (Includes recommended pay scales to be applied partly on basis of improved methods of teacher appraisal.) Cincinnati 2, Bureau of Governmental Research, 1950. Variously paged. $2 plus postage.

Survey of Costs Incident to a Proposed $30,000,000 Bond Issue by the Houston Independent School District. Houston, Tax Research Association of Houston and Harris County, 1950. 75 pp.

Teachers' Salaries. Philadelphia, Bureau of Municipal Research, *Citizens' Business,* February 12, 1951. 2 pp.

This is How Public Schools are Financed in New Mexico. Santa Fe, Taxpayers' Association of New Mexico, 1950. Variously paged.

Elections and Voting

Election Procedure for Municipal Officials in Texas. By Charles M. Babb. Austin, University of Texas, Institute of Public Affairs, 1951. 85 pp. $1.

Housing

Housing Authority Considers Bureau Recommendations. Philadelphia, Bureau of Municipal Research, *Citizens' Business,* February 5, 1951. 3 pp.

In-service Training

A Report of the First Annual City Clerks School November 16-17, 1950. (A complete manual of the materials

[1] For a listing of Parts I and II of "The Metropolitan Problem," see the REVIEW, March 1951, page 172.

and discussions presented at the school.) Lawrence, University of Kansas, Bureau of Government Research, 1951. 38 pp.

Legislation

Legislative Drafting in New Mexico. By Arie Poldervaart. **How a Bill Becomes a Law in the Legislature of New Mexico.** By Jack M. Campbell. Santa Fe, Taxpayers' Association of New Mexico, 1950. 19 pp.

Legislative Manuals

Oklahoma Legislative Manual. A Handbook for Oklahoma Legislators. (Includes procedures and bill drafting manuals and description of organization and functions of administrative and executive agencies.) Compiled and Issued for the Committee on Legislative Methods and Procedures of the State Legislative Council, by the Bureau of Government Research of the University of Oklahoma, the State Legislative Council, and the Legislative Reference Division of the Oklahoma State Library. Oklahoma City 5, Oklahoma State Library, Legislative Reference Division, 1950. 162 pp.

Municipal Government

Buffalo in 1951. (Suggestions for streamlining Buffalo's city government operation.) Buffalo 2, Municipal Research Bureau, *Just a Moment,* January 4, 1951. 3 pp.

The Government of Rockville. By Christian L. Larsen and Richard D. Andrews. College Park, University of Maryland, Bureau of Public Administration, 1950. iv, 76 pp.

Municipal Economy and Efficiency. Buffalo 2, Municipal Research Bureau, *Just a Moment,* March 1, 1951. 4 pp.

Parking

Parking Meters Produce Revenue, Ease Congestion. San Francisco, Bureau of Governmental Research, February 23, 1951. 1 p.

The Schenectady Parking Plan and Subsidies. Schenectady 5, New York Bureau of Municipal Research, *Research Brevities,* February 8, 1951. 4 pp

Public Welfare

Important Facts About the Lie Law and Public Welfare. Salt Lak City, Utah Foundation, *Research Briefs* January 29, 1951. 2 pp.

Welfare Tax Costs Soar! Hug Added Costs Threaten! Los Angele 15, Property Owners Association o California, *Tax Facts,* January 1951 4 pp.

Purchasing

State Purchasing in New Mexico Santa Fe, Taxpayers' Association o New Mexico, 1950. 15 pp.

Special Assessments

Residential Development. Lacka wanna, New York, Tax Research Bu reau, *Comments,* February 1951. 6 pp

State Government

Bibliography on Texas Government Austin, University of Texas, Insti tute of Public Affairs, 1951. 120 pp $1.50.

State Reorganization

Michigan's Health Agencies. Person nel Administration in Michigan Gov ernment. Fiscal Policy Administra tion. The Legislature. Michigan Liquor Control Commission. Michi gan State Department of Agriculture (Staff Reports Nos. 8-13.) Lansing Michigan Joint Legislative Commit tee on Reorganization of State Gov ernment, 1951. 50, 78, 28 66, 45 and 30 pp. respectively.

Taxation and Finance

City Costs Are Still Rising. (Tables showing costs in administrative sala ries, police and fire departments in Iowa cities over 5,000.) Des Moines Iowa Taxpayers Association, *The Iowa Taxpayer,* January 1951. 2 pp.

City Financial Facts. Buffalo 2 Municipal Research Bureau, *Just a Moment,* January 11, 1951. 3 pp.

City of Houston Tax Office. 1949 Assessed Value—1948 Selling Price (July Through December) Ratio. Houston, Tax Research Association of Houston and Harris County, January 5, 1951. 8 pp.

Do We need the State "Finance Advisory Committee"? Hartford 3, Connecticut Public Expenditure Council, *News and Views,* January 22, 1951. pp.

Expenditures of Oklahoma State Government, 1940-1950. Oklahoma City 2, Oklahoma Public Expenditures Council, *Your Report on Government,* January 1951. 4 pp.

Financial Data City of Providence, Rhode Island, 1941-1950. Providence Governmental Research Bureau, January 1951. 6 pp. Tables.

Financing State Government. By Lawrence Lee Pelletier. Brunswick, Maine, Bowdoin College, Bureau for Research in Municipal Government, 1950. 46 pp.

General Fund Operations 1949-51. Reno, Nevada Taxpayers Association, *Nevada Tax Review,* January 1951. pp. Tables.

Lincoln's Taxation Muddle. "The Dollar Ceiling." Lincoln 8, Nebraska, Governmental Research Institute, *Bulletin,* January 1951. 4 pp.

1950 Taxes. Valuation—Rate—Extension. Chicago 2, The Civic Federation, *Bulletin,* February 1951. 2 pp. Tables.

1951 Property Tax Trends in Milwaukee County. Milwaukee 2, Citizens' Governmental Research Bureau, *Bulletin,* February 17, 1951. 3 pp. Tables.

Recommended Government Fiscal Policies. Waterbury 2, Connecticut, Taxpayers' Association, *Governmental Briefs,* February 19, 1951. 3 pp.

State-Collected Locally-Shared Revenues in Kansas, 1937-1950. Distribution of Shared Revenues to Counties by Funds for Fourteen Fiscal Years. Topeka, Kansas Legislative Council, Research Department, 1950. 57 pp. Tables.

Taxation of Public Utility Gross Receipts in Kentucky. Prepared for the Committee on Functions and Resources of State Government by University of Kentucky, Bureau of Business Research. Frankfort, Kentucky Legislative Research Commission, 1951. 18 pp.

Tax Committee Report. Brief Outline of Research Report Issued by the Legislative Council Committee on Taxation. Madison 3, Wisconsin Taxpayers Alliance, *The Wisconsin Taxpayer,* February 1951. 7 pp. Tables.

Ten Years of Total Property Tax Levies in California Counties. Los Angeles 14, California Taxpayers' Association, *The Tax Digest,* February 1951. 9 pp. Tables.

The Utah State General Fund. Salt Lake City 1, Utah Foundation, *Research Report,* February 1951. 4 pp.

Tolls

Golden Gate Bridge Suffers Revenue Losses. San Francisco, Bureau of Governmental Research, January 31, 1951. 2 pp.

Books in Review

Municipal Auditoriums. By Farrell G. H. Symons. Chicago, Public Administration Service, 1950. v, 78 pp. $2.50.

Municipal Auditoriums is an informative and useful study of one of the less known municipal services. It warrants thoughtful reading in the communities which have auditoriums and, particularly, in the cities which are planning construction of such facilities when conditions permit.

The pamphlet presents factual data and discussion on the construction, management and operation of civic auditoriums, large and small, throughout the country. The data, given in tabular form, are based principally on the replies to questionnaires. That there were 174 answers to such questionnaires attests the interest in Mr. Symons' project.

Supplementing the statistical material is pertinent discussion. Major phases of the subject are considered, for example: physical aspects of auditoriums, as size, types of facilities available and location; management and control; and finances, including original cost, current revenue sources, rental schedules and determination of fiscal policy. The author stresses the need of understanding the financial problems of municipal auditoriums and of having a clear-cut financial policy and operational program based on a given community's particular characteristics, opportunities and potentialities.

EDNA T. BIRD
Municipal Service Division
Dun and Bradstreet

Survey of Metropolitan Courts Detroit Area. By Maxine Boord Virtue. Ann Arbor, University of Michigan Press, 1950. xxx, 315 pp. $5.

An intensive catalogue of the legal structure and mechanisms of the antiquated complex of court systems and elective judgeships in Detroit and environs. It makes no attempt to appraise the condition of the service or proposals for correction. It is practically silent on the processes of nomination and election of the great array of elective judges.

Purchasing for Small Cities. By Russell Forbes. Chicago, Public Administration Service, 1951. iv, 23 pp. $1.

Prepared by one of the foremost authorities in the field of purchasing, who was assisted by staff members of Public Administration Service, this manual is both practical and reliable. Its recommendations have already met the test of experience. The pamphlet discusses (1) how to establish a purchasing system and (2) how to operate the purchasing department once it is established. Accounting forms and purchasing procedures are illustrated and discussed. Included also are "Suggested Provisions for a Charter or State Statute on Purchasing for a Small Municipality" as well as a "Suggested Ordinance Establishing a Purchasing System for a Small Municipality."

Municipal Police Administration (Third Edition). Chicago, International City Managers' Association, 1950. xii, 468 pp. $7.50.

Municipal Fire Administration (Fifth Edition). Chicago, International City Managers' Association, 1950. xiii, 498 pp. $7.50.

These books are part of a series of eight volumes prepared by the International City Managers' Association for its Institute for Training in Municipal Administration.

The volume on police administration mainly the work of O. W. Wilson, ofessor of police administration and an of the School of Criminology at e University of California. It atmpts to record for the use of police ficials and municipal administrators e best practices in the field of police lministration.

This third edition reflects the anges which have been taking place recent years. A new chapter on vice ntrol has been added to give suitable tention to the significant relationip between commercialized vice and e political corruption and terrorism organized crime. All other chapters ve been completely revised. Those personnel management, traffic adinistration and other police probms have been completely rewritten.

The fifth edition of *Municipal Fire dministration* also represents a comlete revision, prepared chiefly by oratio Bond, chief engineer of the ational Fire Protection Association nd other members of the NFPA staff, ssisted by John H. Alderson, chief of ne Los Angeles City Fire Departent. It includes chapters on fire dense and insurance rates, department rganization, personnel management, istribution of equipment and personel, fire alarm signaling systems, techique of fire fighting, fire prevention ork, fire investigation and incendiarm, and records and measurement of esults. The book has been widely sed in fire departments, especially r training men at the supervisory vel and by fire chiefs and others as reference manual.

The Politics of California. A Book f Readings. Edited by David Farelly and Ivan Hinderaker. New ork, Ronald Press Company, 1951. iii, 320 pp. $3.25.

A collection of 35 contemporary articles and documents dealing with state politics and hot problems designed to provide live case studies for college students in California. It inincludes, for example, the *Collier's* article of August 13, 1949, on Artie Samish, the "Secret Boss of California," plus an account of what happened to him thereafter.

Additional Books and Pamphlets

(See also Researcher's Digest and other departments)

Accounting

Governmental Accounting. By Lloyd Morey, Irving Tenner, etc. Chicago, Municipal Finance Officers Association of the United States and Canada, *Municipal Finance,* February 1951. 36 pp. 50 cents.

Council-Manager Plan

Operation of Council-Manager Government, Durham, North Carolina. Durham, Office of City Manager, 1950. 19 pp.

Directories

Delaware State Manual. Official List of Officers, Boards, Commissions and County Officers. Wilmington, Secretary of State, 1951. 80 pp.

Education

Moral and Spiritual Values in the Public Schools. By Educational Policies Commission. Washington, D. C., National Education Association of the United States, 1951. x, 100 pp. $1.

Housing

The Housing Situation—1950. An Analysis of Preliminary Results of the 1950 Housing Census. Washington, D. C., Housing and Home Finance Agency, Division of Housing Research, 1951. 30 pp.

Legislation

Suggested State Legislation. Program for 1951 as Developed by the

Drafting Committee of State Officials. Chicago, Council of State Governments, 1950. iv, 141 pp. $1.

Municipalities

Constitution of the International Union of Local Authorities. Minutes of the Meeting of the Permanent Bureau and the General Council Held in Geneva, September 16, 1949. The Hague, International Union of Local Authorities, 1950. 13 and 19 pp. respectively.

Planning

Public Improvements 1951-1955. Philadelphia, City Planning Commission, 1950. 100 pp. Maps, charts.

Ports

A Survey of United States Ports. How Ports Operate—What Trade Flows—Why Ports Falter. Facts—Trends—Values. By George Fox Mott. New York 17, Arco Publishing Company, 1951. xiii, 233 pp. $7.50.

Press

Newspaper Public Service. By V. M. Newton, Jr. (Address before American Press Institute, New York City, October 17, 1950.) Chattanooga, Tennessee, Southern Newspaper Publishers Association, 1950. 16 pp.

Public Health

Medical Care for Americans. Edited by Franz Goldmann and Hugh R. Leavell. Philadelphia, American Academy of Political and Social Science, *The Annals,* January 1951. viii, 315 pp. $2.

Public Works

Contract Forms for Construction of Municipal Public Works. By Porter C. Greenwood and M. U. Snoderly. Knoxville, University of Tennessee, Municipal Technical Advisory Service, 1951. 47 pp.

Recreation

Recreation in California—Laws and Regulations Relating to Organized Camping. (Research Conducted by Bureau of Public Administration, University of California, for State of California Recreation Commission.) Sacramento 14, Documents Division, State Printing Office, 1951. 187 pp. $1.

Refuse Disposal

Garbage Grinders. Municipal Incineration. (Selected References.) Detroit 26, Public Library, Municipal Reference Library, 1951. 4 and 6 pp. respectively.

Rent Control

Rent Control Plan and Proposed Rent and Eviction Regulations. By Joseph D. McGoldrick. Submitted to the Legislature of the State of New York Pursuant to the Emergency Housing Rent Control Law, Chapter 250, Laws of 1950. New York 7, Temporary State Housing Rent Commission, 1951. 203 pp.

Streets and Highways

Pennsylvania Highways Today and Tomorrow. Report to the Governor and General Assembly of the Commonwealth of Pennsylvania. Harrisburg, State Highway Planning Commission, 1950. 252 pp. Maps, charts.

Taxation and Finance

Revenue and Expenditures of Selected States in 1950. Washington 25, D. C., Department of Commerce, Bureau of the Census, 1951. 12 pp.

Should Taxes on Tangible Personalty Be Abolished? New York 7, Tax Institute, 1950. 24 pp. 50 cents.

Total Government Expenditures in 1949. New York 7, Tax Institute, *Tax Policy,* December 1950. 8 pp. 25 cents.

Traffic Safety

Operation Safety. Program Kit on Traffic Safety Promotion. Theme: **Child Pedestrian and Bicycle Safety.** Chicago 11, National Safety Council, 1951. Variously paged.

Training for Public Service

Supervisory Training Program. Columbia, Missouri, Office of City Manager, 1951. 25 pp.

ew Model Eliminates Coroners

ne National Municipal League, in eration with five other national nizations, has published *A Model e Medico-legal Investigative Sys-* designed to help substitute scien- methods for the bungling of the cal elected coroner.

he model provides a state central ico-legal laboratory, staffed with ed investigators and specialists in l medicine.

n most of our states it is still possi- for a sign painter, plumber, store- er or just any popular fellow to e as coroner, the official whose job to find the evidence in connection violent or unexplained deaths.

1948 Richard S. Childs, chair- of the National Municipal League's utive committee, moved for a con- ed effort to substitute responsible hods in the detection and punish- t of homicides. Mr. Childs found allies and much good prior work ng other organizations. A group uthorities met at the National Con- ference on Government in St. Paul in 1949.

This was followed by voluminous correspondence and the drafting, by Dr. Richard Ford, acting head of the Department of Legal Medicine, Harvard Medical school, of the model. The first draft, in mimeographed form, was submitted for criticism to qualified individuals and to the committees of the six cooperating organizations which, in addition to the National Municipal League, are:

The American Academy of Forensic Sciences, The American Bar Association (Criminal Law Section), The American Judicature Society, The American Medical Association and The National Civil Service League.

Subsequent correspondence and discussion led to numerous improvements in the final draft.

The model is available from the various sponsoring groups and at the office of the National Municipal League at 50 cents a copy.

Richard Ford, acting head of Harvard's Department of Legal Medicine, training state troopers in the art of crime detection

—Photograph by Harry Saltzman.

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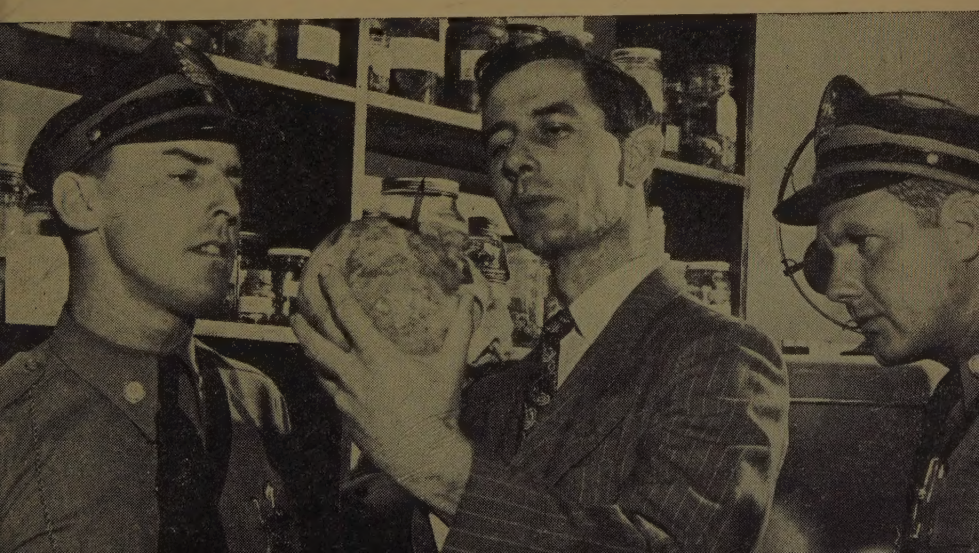

Writing of History Spanned 20 Year

Twenty years ago, Frank Mann Stewart held his first conversations with Russell Forbes to find out why the experts considered the National Municipal League "the heart of the municipal reform movement in the United States."

Scholar and historian who had long since learned his way around in government as head of the Division of Government Research at the University of Texas and in civic affairs as the author of a history of the National Civil Service Reform League, Dr. Stewart naturally assumed that the task of writing the League's history would be considerably less than a life work.

But he reckoned without wars and conflicting opinions on what the NML was about—whether it was primarily concerned with research and public administration or arming local civic leadership to fight the good fight.

Harold W. Dodds, second secretary of the League and then editor of the REVIEW, had led (with President Charles Evans Hughes) in the development of a program of model laws.

Secretary Forbes was the countr leading authority on public purchasi

Howard P. Jones had only recen become public relations secretary.

And Clinton Rogers Woodruff, w had served as secretary from 1894 1920, was still very full of his o ideas as to why the League was form by local civic associations, what it h accomplished during his own crusadi days and whether it was doing as w in the hands of "the experts".

A less persistent man than Dr. Ste art probably would have retreated confusion. But year after year traveled interviewing scores of m and women, gathering stacks of not and documents, digging through mus old records in the basements of Woo ruff and others, poring over materia which he could find only in librari

Dr. Stewart had substantially co pleted the work, except for the bib ography, just before Pearl Harb During the war, his accelerated teac ing program halted his writing un he took his sabbatical in 1947 a devoted himself to completing the vol minous bibliography and bringing t history up to date.

As finally published several mont ago by the University of Californ Press, *A Half Century of Municip Reform: The History of the Nation Municipal League* is as thorough a complete a job of historical writi as can readily be found. Certainly other account of an organization's co tribution to civic progress has ev been as heavily documented and h made it as easy to trace the fight more than half a century to make reality of the self-governing process

A pause in a monumental task
FRANK MANN STEWART